

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

MDL No. 2804

Case No. 17-md-2804

This document relates to:

Judge Dan

Aaron Polster

The County of Cuyahoga v. Purdue

Pharma L.P., et al.

Case No. 17-OP-45005

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Videotaped Deposition of
TREVOR McALEER

January 10, 2019

9:06 a.m.

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Taken at:

Climaco, Wilcox, Peca & Garofoli

55 Public Square, Suite 1950

Cleveland, Ohio

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| <p style="text-align: right;">Page 2</p> <p>1<br/>2<br/>3<br/>4<br/>5<br/>6<br/>7<br/>8 Videotaped Deposition of TREVOR McALEER,<br/>9 taken before GREG S. WEILAND, CSR, RMR, CRR,<br/>10 pursuant to the Federal Rules of Civil Procedure for<br/>11 the United States District Court pertaining to the<br/>12 taking of depositions, at Suite 1950, 55 Public<br/>13 Square, in the City of Cleveland, Ohio, commencing<br/>14 at 9:06 o'clock a.m., on the 10th day of January,<br/>15 2019.<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> | <p style="text-align: right;">Page 4</p> <p>1 PRESENT (CONTINUED):<br/>2<br/>3 ON BEHALF OF DEFENDANT CARDINAL HEALTH, INC.:<br/>4 WILLIAMS &amp; CONNOLLY, LLP<br/>5 BY: MR. MATTHEW P. MOONEY<br/>6 725 Twelfth Street, N.W.<br/>7 Washington, D.C. 20005<br/>8 (202) 434-5421<br/>9 Email: mmooney@wc.com<br/>10<br/>11 ON BEHALF OF DEFENDANT McKESSON CORPORATION:<br/>12 COVINGTON &amp; BURLING LLP<br/>13 BY: MS. LAENA ST-JULES<br/>14 The New York Times Building<br/>15 620 Eighth Avenue<br/>16 New York, New York 10018<br/>17 (212) 841-1201<br/>18 Email: lstjules@cov.com<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                        |
| <p style="text-align: right;">Page 3</p> <p>1 PRESENT:<br/>2<br/>3 ON BEHALF OF PLAINTIFF CUYAHOGA COUNTY:<br/>4 NAPOLI SHKOLNIK PLLC<br/>5 BY: MS. SHAYNA E. SACKS<br/>6 360 Lexington Avenue<br/>7 11th Floor<br/>8 New York, New York 10017<br/>9 (212) 397-1000<br/>10 Email: ssacks@napolilaw.com<br/>11 - and -<br/>12 NAPOLI SHKOLNIK PLLC<br/>13 BY: MS. MARIA FLEMING<br/>14 55 Public Square<br/>15 Suite 2100<br/>16 Cleveland, Ohio 44113<br/>17 (212) 397-1000<br/>18 Email: mfleming@napolilaw.com<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>      | <p style="text-align: right;">Page 5</p> <p>1 PRESENT (CONTINUED):<br/>2<br/>3 ON BEHALF OF DEFENDANT WALMART INC , f/k/a WAL-MART<br/>4 STORES, INC :<br/>5 JONES DAY<br/>6 BY: MS LISA B GATES<br/>7 901 Lakeside Avenue<br/>8 Cleveland, Ohio 44144<br/>9 (216) 586-7154<br/>10 Email: lgates@jonesday.com<br/>11<br/>12 ON BEHALF OF DEFENDANTS JOHNSON &amp; JOHNSON; JANSSEN<br/>13 PHARMACEUTICALS, INC ; ORTHO-McNEIL-JANSSEN<br/>14 PHARMACEUTICALS, INC n/k/a JANSSEN PHARMACEUTICALS,<br/>15 INC ; JANSSEN PHARMACEUTICA INC f/k/a JANSSEN<br/>16 PHARMACEUTICALS, INC :<br/>17 TUCKER &amp; ELLIS LLP<br/>18 BY: MR JUSTIN E RICE<br/>19 950 Main Avenue<br/>20 Suite 1100<br/>21 Cleveland, Ohio 44113<br/>22 (216) 696-3670<br/>23 Email: justin.rice@tuckerellis.com<br/>24<br/>25</p> |

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1 PRESENT (CONTINUED):

2

3 ON BEHALF OF DEFENDANTS ENDO HEALTH SOLUTIONS INC ;

4 ENDO PHARMACEUTICALS INC ; PAR PHARMACEUTICAL, INC ;

5 and PAR PHARMACEUTICAL COMPANIES, INC :

6 BAKER HOSTETLER

7 MR KENNETH G PRABUCKI (via teleconference)

8 127 Public Square

9 Suite 2000

10 Cleveland, Ohio 44114

11 (216) 861-7718

12 Email: kprabucki@bakerlaw.com

13

14 ALSO PRESENT:

15 MR KURT HENSCHER, The Videographer

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10 Exhibit 1 Email sent on 10/26/2012, 133

11 Subject: Status Update, with

12 attachment, Bates labeled

13 CUYAH\_014537372 through

14 014537375

15 Exhibit 2 Email sent on 9/23/2013, 142

16 Subject: September 2013 Staff

17 Report, with attachments, Bates

18 labeled CUYAH\_014394979 through

19 14394984

20 Exhibit 3 Email sent on 10/8/2013, with 191

21 attachment, Subject: Fwd: 2014

22 - 2015 Biennial Budget Hearing

23 Schedule, Bates labeled

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25 014434275

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3 Exhibit 4 Email sent on 11/19/2013, 226

4 Subject: ADAMHS Board Response

5 to County Council Follow-up

6 Questions, with attachments,

7 Bates labeled CUYAH\_014408184

8 through 014408193

9 Exhibit 5 County Council of Cuyahoga 242

10 County, Ohio, Resolution No.

11 R2017-0182, Bates labeled

12 CUYAH\_002426252 through

13 002426279

14 Exhibit 6 Email sent January 18, 2017, 265

15 through January 20, 2017,

16 Subject: OBM Fiscal Items for

17 1-24-2017 Council Agenda, Bates

18 labeled CUYAH\_001730354 through

19 001730356

20 Exhibit 7 Emails sent on 11/14/2012 and 273

21 11/16/2012, Subject: Re: Public

22 Safety Meeting, Bates labeled

23 CUYAH\_014486084 through

24 014486085

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3 Exhibit 8 Emails sent on 11/16/2012, 279

4 Subject: 2013 Budget Follow Up,

5 Bates labeled CUYAH\_014507122

6 through 14507123

7 Exhibit 9 Minutes, Cuyahoga County Public 284

8 Safety Committee Meeting,

9 Tuesday, November 27, 2012, no

10 Bates labels

11 Exhibit 10 Emails sent in August 2013, 291

12 Subject: Re: Fwd: town halls,

13 Bates labeled CUYAH 014394784

14 Exhibit 11 Emails sent 2/25/2014 and 296

15 2/27/2014, Subject: Fwd: Cuy Co

16 Opiate Efforts, Bates labeled

17 CUYAH\_014391077 through

18 014391078, and attachment

19 produced in native format Bates

20 labeled CUYAH 014391079

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| <p style="text-align: right;">Page 10</p> <p>1 DEPOSITION EXHIBITS (CONTINUED)</p> <p>2 NUMBER DESCRIPTION PAGE</p> <p>3 Exhibit 12 Emails sent on 4/22/2014, 311</p> <p>4 Subject: Dettelbach: Cuyahoga</p> <p>5 Approach on Heroin "Needs to Be</p> <p>6 the National Model", Bates</p> <p>7 labeled CUYAH_014392112 through</p> <p>8 014392114</p> <p>9 Exhibit 13 Emails sent on 11/13/2015, 324</p> <p>10 Subject: Text about HHS poll</p> <p>11 questions, Bates labeled</p> <p>12 CUYAH_015836225</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p style="text-align: right;">Page 12</p> <p>1 (Witness sworn.)</p> <p>2 TREVOR McALEER</p> <p>3 after being first duly sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Good morning, Mr. McAleer.</p> <p>7 A. Good morning.</p> <p>8 Q. We met briefly before we started, but my</p> <p>9 name is Matt Mooney. I'm an attorney with the law</p> <p>10 firm of Williams &amp; Connolly, and I represent</p> <p>11 Cardinal Health, one of the defendants in this</p> <p>12 lawsuit.</p> <p>13 I understand that you're the legislative</p> <p>14 budget adviser for the Cuyahoga County Council; is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you have an understanding of why</p> <p>18 you've been identified as a witness in this case?</p> <p>19 A. I'm not really sure why, but I think as my</p> <p>20 role as a legislative budget adviser is why I've</p> <p>21 been asked to be here.</p> <p>22 Q. Have you ever testified under oath before?</p> <p>23 A. Yes.</p> <p>24 Q. When did you testify under oath</p> <p>25 previously?</p>                                                                                                |
| <p style="text-align: right;">Page 11</p> <p>1 THE VIDEOGRAPHER: Today's date is</p> <p>2 January 10th, 2019. We're on the record at 9:06.</p> <p>3 We're here in the matter of the National</p> <p>4 Prescription Opiate Litigation. This deposition is</p> <p>5 taking place in Cleveland, Ohio.</p> <p>6 Will counsel please identify themselves</p> <p>7 for the record.</p> <p>8 MS. SACKS: Shayna Sacks for the witness</p> <p>9 and Cuyahoga County, Napoli Shkolnik.</p> <p>10 MS. FLEMING: Maria Fleming, Cuyahoga</p> <p>11 County, Napoli Shkolnik.</p> <p>12 MS. ST-JULES: Laena St-Jules from</p> <p>13 Covington &amp; Burling for McKesson.</p> <p>14 MS. GATES: Lisa Gates, Jones Day, for</p> <p>15 Walmart.</p> <p>16 MR. RICE: Justin Rice, Tucker Ellis LLP,</p> <p>17 on behalf of Johnson &amp; Johnson and Janssen.</p> <p>18 MR. MOONEY: Matt Mooney of</p> <p>19 Williams &amp; Connolly on behalf of Cardinal Health.</p> <p>20 THE VIDEOGRAPHER: Anyone on the</p> <p>21 telephone?</p> <p>22 MR. PRABUCKI: This is Ken Prabucki,</p> <p>23 BakerHostetler, representing the Endo defendants.</p> <p>24 MR. MOONEY: All right. I guess that's</p> <p>25 it.</p> | <p style="text-align: right;">Page 13</p> <p>1 A. I don't have the exact date but within the</p> <p>2 last two months.</p> <p>3 Q. The last two months?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And what was the reason that you</p> <p>6 were testifying under oath?</p> <p>7 A. I don't -- I was told from the attorneys</p> <p>8 that I'm not allowed to talk about that because it's</p> <p>9 an ongoing investigation.</p> <p>10 Q. Okay. Was it -- was your testimony in</p> <p>11 court?</p> <p>12 A. It was in front of a grand jury.</p> <p>13 Q. Okay. And who were the attorneys who told</p> <p>14 you that you cannot testify about the testimony that</p> <p>15 you gave?</p> <p>16 A. Matt Meyer, assistant county prosecutor</p> <p>17 for Cuyahoga County.</p> <p>18 Q. And this is -- I intend it to be a</p> <p>19 yes-or-no question. I'm not asking you to divulge</p> <p>20 anything other than, was the testimony concerning</p> <p>21 prescription opioid abuse in Cuyahoga County?</p> <p>22 A. No.</p> <p>23 Q. Okay. Other than the grand jury testimony</p> <p>24 that you have been instructed not to talk about,</p> <p>25 have you ever testified under oath under any other</p> |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 14</p> <p>1 circumstances?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. You understand that you're under</p> <p>4 oath today?</p> <p>5 A. Yes, sir.</p> <p>6 Q. You understand that you're here to testify</p> <p>7 about what you know, correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Not what you think someone else might want</p> <p>10 you to say, right?</p> <p>11 A. Correct.</p> <p>12 Q. Is there any reason that you may not be</p> <p>13 able to testify accurately and completely today?</p> <p>14 A. No, sir.</p> <p>15 Q. Are you under any medications that would</p> <p>16 affect your ability to answer my questions today?</p> <p>17 A. No, sir.</p> <p>18 Q. So as we proceed today, if I ask a</p> <p>19 question that you don't understand, please let me</p> <p>20 know, and I'll try to clarify as best as I can.</p> <p>21 Does that make sense?</p> <p>22 A. Yes, it does.</p> <p>23 Q. And so if you answer one of my questions,</p> <p>24 is it fair for me to assume that you understood it?</p> <p>25 A. Yes.</p>                                                                                                                                                                  | <p style="text-align: right;">Page 16</p> <p>1 let us know about the announcement and, B, invited</p> <p>2 us to attend down in the lobby.</p> <p>3 Q. Did the County Council have to approve the</p> <p>4 filing of this lawsuit by Cuyahoga County?</p> <p>5 MS. SACKS: Objection.</p> <p>6 You can answer. Sorry.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. MOONEY:</p> <p>9 Q. Okay. Do you know if anyone on the County</p> <p>10 Council did approve of the lawsuit before it was</p> <p>11 filed?</p> <p>12 MS. SACKS: Objection.</p> <p>13 THE WITNESS: Could I ask for</p> <p>14 clarification on what you mean by "approve"?</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. Sure. So you said that the county</p> <p>17 executive and members of his staff came over before</p> <p>18 the announcement, and they said, "We're going to</p> <p>19 file a lawsuit; there's going to be a press</p> <p>20 conference. Do you want to come?"</p> <p>21 Is that right?</p> <p>22 A. Correct.</p> <p>23 Q. To your knowledge, did the county</p> <p>24 executive ask for permission of any member of</p> <p>25 council to file the lawsuit?</p> |
| <p style="text-align: right;">Page 15</p> <p>1 Q. And then you know we have a court</p> <p>2 reporter, and he's going to be transcribing our</p> <p>3 conversation today.</p> <p>4 And so in order to make his life a lot</p> <p>5 easier, I'm going to try my best not to interrupt if</p> <p>6 you're speaking; and if you could do the same, I</p> <p>7 would appreciate it.</p> <p>8 Could you do that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. And throughout the deposition your</p> <p>11 counsel may object. It's sort of part of the</p> <p>12 process.</p> <p>13 Unless she instructs you not to answer my</p> <p>14 questions, you can still answer them.</p> <p>15 Does that make sense as well?</p> <p>16 A. Understood, yes.</p> <p>17 Q. Mr. McAleer, when did you learn about the</p> <p>18 existence of this lawsuit?</p> <p>19 A. I learned about the existence of this</p> <p>20 lawsuit -- excuse me -- about two days prior to the</p> <p>21 press conference that was held at the Cuyahoga</p> <p>22 County administration headquarters.</p> <p>23 Q. And who told you about the lawsuit?</p> <p>24 A. The county executive and some of his staff</p> <p>25 came over to our council offices and, A, wanted to</p> | <p style="text-align: right;">Page 17</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. Do you know if other members -- if members</p> <p>5 of the County Council were aware that the lawsuit</p> <p>6 would be filed prior to this meeting that the</p> <p>7 executive and his staff organized?</p> <p>8 MS. SACKS: Objection.</p> <p>9 THE WITNESS: I don't know if they were</p> <p>10 aware prior to the two-day notice that we were</p> <p>11 given.</p> <p>12 BY MR. MOONEY:</p> <p>13 Q. Okay. Do you have any view about the</p> <p>14 merits of this lawsuit?</p> <p>15 MS. SACKS: Objection.</p> <p>16 THE WITNESS: I don't have any.</p> <p>17 BY MR. MOONEY:</p> <p>18 Q. Have you ever heard the term "opioid"</p> <p>19 before today?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have an understanding of what an</p> <p>22 opioid is?</p> <p>23 A. I don't have a complete legal or medical</p> <p>24 definition of what it is. I have a I would say</p> <p>25 probably general understanding of the term.</p>                                                              |

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| <p style="text-align: right;">Page 18</p> <p>1 Q. Sure. And what is your general<br/>2 understanding of the term "opioid"?<br/>3 A. I would -- I consider it just a drug that<br/>4 is prescribed for medical reasons that helps people<br/>5 with various issues.<br/>6 Q. And what kind of issues do you understand<br/>7 opioids help with?<br/>8 MS. SACKS: Objection.<br/>9 THE WITNESS: I don't know.<br/>10 BY MR. MOONEY:<br/>11 Q. Are opioids used to treat chronic pain?<br/>12 MS. SACKS: Objection.<br/>13 THE WITNESS: Again, I'm not a hundred<br/>14 percent sure what they're prescribed for.<br/>15 BY MR. MOONEY:<br/>16 Q. Even if you're not a hundred percent sure<br/>17 of what they're prescribed for, do you have any<br/>18 understanding of why prescription opioids are<br/>19 prescribed?<br/>20 A. I don't, no.<br/>21 Q. You mentioned that you understand opioids<br/>22 to be drugs that are prescribed for medical reasons<br/>23 that help people with various issues, right?<br/>24 MS. SACKS: Objection.<br/>25 THE WITNESS: Close to that, close to</p> | <p style="text-align: right;">Page 20</p> <p>1 A. I don't know.<br/>2 Q. Marijuana?<br/>3 A. I don't know.<br/>4 Q. Have you ever heard of the term "opiate"<br/>5 as opposed to an "opioid" before?<br/>6 A. Yes, but I don't know the difference<br/>7 between the two.<br/>8 Q. Okay. That makes it easier.<br/>9 Do you have an understanding of whether<br/>10 some opioids can be legally prescribed to<br/>11 individuals?<br/>12 MS. SACKS: Objection.<br/>13 THE WITNESS: I don't have an<br/>14 understanding clearly.<br/>15 BY MR. MOONEY:<br/>16 Q. Do you understand that some opioids are<br/>17 illegal?<br/>18 MS. SACKS: Objection.<br/>19 THE WITNESS: I don't know.<br/>20 BY MR. MOONEY:<br/>21 Q. So you don't know if there is a difference<br/>22 between a prescription opioid and an illegal opioid?<br/>23 MS. SACKS: Objection.<br/>24 THE WITNESS: I don't know the legal<br/>25 definition between the two.</p>          |
| <p style="text-align: right;">Page 19</p> <p>1 that.<br/>2 BY MR. MOONEY:<br/>3 Q. Okay. Are -- is OxyContin an opioid under<br/>4 your understanding of what an opioid is?<br/>5 A. I don't know that for sure.<br/>6 Q. Do you know if oxycodone is an opioid<br/>7 under your understanding of the term "opioid"?<br/>8 A. I do not know that for sure.<br/>9 Q. How about hydrocodone?<br/>10 A. I don't know that for sure.<br/>11 Q. Is heroin an opioid under your<br/>12 understanding of the term "opioid"?<br/>13 A. I do not know that.<br/>14 Q. Do you know if heroin can be prescribed by<br/>15 a doctor to help with medical issues?<br/>16 MS. SACKS: Objection.<br/>17 THE WITNESS: I don't know that. I don't<br/>18 believe so.<br/>19 BY MR. MOONEY:<br/>20 Q. Is fentanyl an opioid under your<br/>21 understanding of the term "opioid"?<br/>22 A. I don't know.<br/>23 Q. How about carfentanil?<br/>24 A. I don't know.<br/>25 Q. Cocaine?</p>                                                                                                                        | <p style="text-align: right;">Page 21</p> <p>1 BY MR. MOONEY:<br/>2 Q. Okay. Have you read the Complaint that<br/>3 was filed in this lawsuit by Cuyahoga County?<br/>4 A. I have not.<br/>5 Q. Do you have an understanding of the<br/>6 allegations that are in the Complaint filed by<br/>7 Cuyahoga County?<br/>8 A. No, sir.<br/>9 Q. Do you have an opinion about what factors<br/>10 contributed to the abuse of opioids in Cuyahoga<br/>11 County?<br/>12 MS. SACKS: Objection.<br/>13 THE WITNESS: Can you ask that question<br/>14 again, please?<br/>15 BY MR. MOONEY:<br/>16 Q. Sure. Do you have an opinion about what<br/>17 factors contributed to the abuse of opioids in<br/>18 Cuyahoga County?<br/>19 A. No, sir.<br/>20 Q. Do you know what a wholesale drug<br/>21 distributor is?<br/>22 A. I do not.<br/>23 Q. Have you ever heard of my client, Cardinal<br/>24 Health?<br/>25 A. No. I've heard of a Cardinal Health, but</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 it's not -- it's a different Cardinal Health. It's<br/> 2 I think a local company not related to<br/> 3 pharmaceuticals. I've heard the term "Cardinal<br/> 4 Health" before.<br/> 5 Q. And what does the local Cardinal Health<br/> 6 company do, if you know?<br/> 7 A. I believe the name is Cardinal Health. It<br/> 8 used to provide medical care, if that is the correct<br/> 9 name. That's where -- it's -- I don't even know if<br/> 10 they're still around anymore.<br/> 11 Q. So was that local Cardinal Health that<br/> 12 you're referring to physicians, a group of<br/> 13 physicians?<br/> 14 A. I believe so. I don't -- I don't know<br/> 15 what type of exact company it was, but I remember<br/> 16 seeing the name around here.<br/> 17 Q. Okay. Have you ever heard of a company<br/> 18 called McKesson?<br/> 19 A. No, sir.<br/> 20 Q. Have you ever heard of a company called<br/> 21 AmeriSourceBergen?<br/> 22 A. No, sir.<br/> 23 Q. Mr. McAleer, did you do anything to<br/> 24 prepare for this deposition?<br/> 25 A. Yes.</p> | <p style="text-align: right;">Page 24</p> <p>1 BY MR. MOONEY:<br/> 2 Q. So other -- and that was it though, only<br/> 3 your two lawyers?<br/> 4 A. My co-worker also went over at the same<br/> 5 time.<br/> 6 Q. Okay. And who is your co-worker?<br/> 7 A. My chief of staff, Joseph Nanni.<br/> 8 Q. And so it was you, Mr. Nanni, and then<br/> 9 your attorneys?<br/> 10 A. Correct.<br/> 11 Q. During your -- during your preparation<br/> 12 session, did you review any materials? I'm just<br/> 13 asking yes or no right now.<br/> 14 A. Yes.<br/> 15 Q. Okay. And were those materials materials<br/> 16 that were provided to you by counsel?<br/> 17 A. What counsel?<br/> 18 Q. Your lawyers.<br/> 19 A. Yes.<br/> 20 Q. Sorry, yes, I'm going to have to clarify<br/> 21 between the two. Yes, by your lawyers. Okay.<br/> 22 Did any of the materials that you reviewed<br/> 23 during your preparation session refresh your<br/> 24 recollection of events that you previously knew?<br/> 25 A. No.</p>                                                                                       |
| <p style="text-align: right;">Page 23</p> <p>1 Q. Did you review any materials or documents<br/> 2 in advance of this deposition?<br/> 3 A. I met with my lawyer yesterday.<br/> 4 Q. Okay. And who was present during that<br/> 5 meeting with your lawyer?<br/> 6 A. She was here and Scott, and I'm sorry, I<br/> 7 don't remember Scott's last name.<br/> 8 MR. MOONEY: Okay. Is Scott with your law<br/> 9 firm?<br/> 10 MS. SACKS: No.<br/> 11 BY MR. MOONEY:<br/> 12 Q. Okay. Do you know where -- do you know<br/> 13 who Scott is?<br/> 14 A. He's a lawyer.<br/> 15 Q. Okay.<br/> 16 A. I just don't remember what law firm he's<br/> 17 from.<br/> 18 Q. Do you know if Scott represents Cuyahoga<br/> 19 County in this lawsuit?<br/> 20 A. I do not know for sure.<br/> 21 Q. Okay.<br/> 22 MS. SACKS: I do.<br/> 23 MR. MOONEY: You do?<br/> 24 MS. SACKS: He does.<br/> 25 MR. MOONEY: Okay. Thank you.</p>                                                                                                                                                                                       | <p style="text-align: right;">Page 25</p> <p>1 Q. Have you read any of the transcripts of<br/> 2 other depositions that have taken place in this<br/> 3 case?<br/> 4 A. No.<br/> 5 Q. Other than your meeting yesterday, have<br/> 6 you met with your lawyers or lawyers at all in<br/> 7 relation to this deposition?<br/> 8 A. No.<br/> 9 Q. And how long did you meet with your<br/> 10 lawyers yesterday?<br/> 11 A. It was approximately seven to eight hours.<br/> 12 Q. And was Mr. Nanni with you the entire time<br/> 13 that you met with the lawyers?<br/> 14 A. Not the entire time.<br/> 15 Q. About how much time in the seven to eight<br/> 16 hours that you were with your lawyers was Mr. Nanni<br/> 17 also present?<br/> 18 A. I would say somewhere between maybe<br/> 19 five-and-a-half to six-and-a-half hours.<br/> 20 Q. Who first contacted you to ask about being<br/> 21 deposed in this case?<br/> 22 A. I don't know for sure who it was.<br/> 23 Q. Do you have a recollection of about when<br/> 24 you learned that you were going to be deposed in<br/> 25 this matter?</p> |



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| <p style="text-align: right;">Page 26</p> <p>1 A. I mean, approximately four to six months,<br/>2 I think somewhere in that time frame.<br/>3 Q. So it was last year that you --<br/>4 A. 2018.<br/>5 Q. Between the time that you were told that<br/>6 you were likely going to be deposed in this case<br/>7 until the meeting that you had yesterday with your<br/>8 lawyers, did you do anything to sort of get ready<br/>9 for this deposition?<br/>10 MS. SACKS: Objection.<br/>11 THE WITNESS: No.<br/>12 BY MR. MOONEY:<br/>13 Q. Okay. Did you review any documents<br/>14 related to this lawsuit before you met with your<br/>15 attorneys?<br/>16 A. No, sir.<br/>17 Q. Okay. Did you have any conversations with<br/>18 anyone other than your lawyers about the testimony<br/>19 that you would be giving in this deposition?<br/>20 A. No, sir.<br/>21 Q. Did you speak with Mr. Nanni about this<br/>22 deposition other than during the time that you were<br/>23 with your lawyers yesterday?<br/>24 A. Can you define what you mean speak with<br/>25 about? I mean, other than I'm on my way in this</p> | <p style="text-align: right;">Page 28</p> <p>1 Q. And then after you graduated from high<br/>2 school, if you could pick up there with your<br/>3 educational background.<br/>4 A. Yes. After high school I attended<br/>5 Youngstown State University, graduated there, and<br/>6 came up to Cleveland State University to get my<br/>7 master's.<br/>8 Q. And what did you study at Youngstown State<br/>9 University?<br/>10 A. Political science.<br/>11 Q. Did you have a specific area of focus in<br/>12 the political science department?<br/>13 A. Just general political science.<br/>14 Q. Okay. Did you take any course work in<br/>15 local government in your political science program?<br/>16 A. I'm trying to think. I believe, yes, I<br/>17 think there was a local government class.<br/>18 Q. Okay. It sounds like you don't quite<br/>19 remember exactly what you learned in that class.<br/>20 A. It's a long time ago.<br/>21 Q. No, I get it.<br/>22 Other than political science, did you<br/>23 major in any other disciplines while you were there?<br/>24 A. Not major.<br/>25 Q. Did you minor in any other disciplines at</p>                       |
| <p style="text-align: right;">Page 27</p> <p>1 morning for it -- I mean, I don't know if that<br/>2 counts -- but not about the details.<br/>3 Q. Okay. That's -- that answers the<br/>4 question.<br/>5 A. Okay.<br/>6 Q. Thank you. Did you have any conversations<br/>7 with Mr. Nanni about his deposition?<br/>8 A. No.<br/>9 Q. Did you have any conversations with<br/>10 friends about this deposition that you're giving?<br/>11 A. Just my wife that I'm -- what I'm doing<br/>12 today, that I might not be available.<br/>13 Q. You didn't discuss the substance of what<br/>14 you expected to say with your wife?<br/>15 A. No, sir.<br/>16 Q. Okay. Any friends that you've spoken with<br/>17 about this deposition?<br/>18 A. No, sir.<br/>19 Q. Would you please describe your educational<br/>20 background for us.<br/>21 A. What level would you like me to talk<br/>22 about?<br/>23 Q. Where did you -- did you graduate from<br/>24 high school in the county?<br/>25 A. No, in Trumbull County.</p>                                                                                                 | <p style="text-align: right;">Page 29</p> <p>1 Youngstown State?<br/>2 A. No.<br/>3 Q. And then you said you went to Cleveland<br/>4 State and got a master's degree.<br/>5 What was your master's degree in?<br/>6 A. Master's in public administration.<br/>7 Q. And what course work was part of that<br/>8 program if you could describe it generally?<br/>9 A. Generally it ranged from finances to kind<br/>10 of local government issues, not necessarily local in<br/>11 Cleveland or Cuyahoga County but just local<br/>12 government discussions related to budgets and things<br/>13 like that.<br/>14 Q. Was your concentration -- or did you<br/>15 concentrate in anything in your master's program?<br/>16 A. No, no. There was a focus on urban<br/>17 government, but --<br/>18 Q. Was -- so you mentioned that you had<br/>19 finance classes in local government practices about<br/>20 budgets.<br/>21 Were there other aspects of local<br/>22 government as part of this program, or was it<br/>23 primarily focused on the budgeting process?<br/>24 A. Most of the course work that I had was<br/>25 around the financing and even like the legislative</p> |



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| <p style="text-align: right;">Page 30</p> <p>1 process.</p> <p>2 Q. Do you have any education or training in</p> <p>3 law?</p> <p>4 A. No.</p> <p>5 Q. You're not a lawyer?</p> <p>6 A. No, sir.</p> <p>7 Q. How about any education or training in</p> <p>8 medicine?</p> <p>9 A. No, sir.</p> <p>10 Q. Not a doctor?</p> <p>11 A. No, sir.</p> <p>12 Q. A registered nurse?</p> <p>13 A. No, sir.</p> <p>14 Q. Do you have any education or training in</p> <p>15 pharmacology?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you have any education or training in</p> <p>18 epidemiology?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you have any education or training in</p> <p>21 law enforcement?</p> <p>22 A. No, sir.</p> <p>23 Q. Do you have any education or training in</p> <p>24 supply chain management?</p> <p>25 A. No, sir.</p>                                                                                                                                                                                                                                                                                                                                         | <p style="text-align: right;">Page 32</p> <p>1 longer exist today. We have a new form of</p> <p>2 government.</p> <p>3 Q. And when did the Cuyahoga County</p> <p>4 Commissioners cease to exist?</p> <p>5 A. December 31st, 2010.</p> <p>6 Q. And what was the role, if you know, of the</p> <p>7 Cuyahoga County Commissioners for the government of</p> <p>8 the county?</p> <p>9 A. Can you provide a little clarification on</p> <p>10 that, please?</p> <p>11 Q. Sure. You said you worked for these</p> <p>12 commissioners.</p> <p>13 A. Yeah.</p> <p>14 Q. They don't exist anymore.</p> <p>15 What did they do before they disappeared?</p> <p>16 A. They did various things but from anywhere</p> <p>17 between approving budgets to approving contracts.</p> <p>18 Q. So when you say that the commissioners</p> <p>19 approved budgets, is that similar to the role that</p> <p>20 the County Council currently plays in approving</p> <p>21 budgets?</p> <p>22 A. Yes. Both bodies would have to or now</p> <p>23 have to adopt operating budgets for the various</p> <p>24 departments.</p> <p>25 Q. And you said that they also approved</p> |
| <p style="text-align: right;">Page 31</p> <p>1 Q. How long have you worked for Cuyahoga</p> <p>2 County?</p> <p>3 A. Cuyahoga County as a whole, since 2005.</p> <p>4 Q. And have you been the legislative budget</p> <p>5 adviser the entire time you've worked for the</p> <p>6 County?</p> <p>7 A. No, sir.</p> <p>8 Q. What other jobs did you have with the</p> <p>9 County before your role as legislative budget</p> <p>10 adviser?</p> <p>11 A. Prior to legislative budget adviser I</p> <p>12 worked at the Board of Elections. Prior to that I</p> <p>13 worked at the Office of Budget and Management. And</p> <p>14 prior to that I was an intern with the Cuyahoga</p> <p>15 County Commissioners' Office.</p> <p>16 Q. Okay. So I'm going to take those I think</p> <p>17 in reverse order that you just provided them because</p> <p>18 it sounds like -- was your internship with the</p> <p>19 Cuyahoga County Commissioners the first position you</p> <p>20 held --</p> <p>21 A. Yes.</p> <p>22 Q. -- at the County?</p> <p>23 Okay. And what are or is the Cuyahoga</p> <p>24 County Commissioner?</p> <p>25 A. The Cuyahoga County Commissioners no</p> | <p style="text-align: right;">Page 33</p> <p>1 contracts.</p> <p>2 Was -- did they approve every contract the</p> <p>3 County entered into?</p> <p>4 A. Not every --</p> <p>5 MS. SACKS: Objection.</p> <p>6 Sorry, go ahead.</p> <p>7 THE WITNESS: Not every contract.</p> <p>8 BY MR. MOONEY:</p> <p>9 Q. Was there -- under what circumstances</p> <p>10 would the commissioners approve contracts for the</p> <p>11 county?</p> <p>12 A. It was governed under the Ohio Revised</p> <p>13 Code, so it was legal thresholds, dollar amounts.</p> <p>14 Q. Do you know what that dollar threshold is</p> <p>15 or was?</p> <p>16 A. I don't know for sure.</p> <p>17 Q. You said that the commissioners no longer</p> <p>18 exist because there's a new form of government; is</p> <p>19 that right?</p> <p>20 A. That's correct.</p> <p>21 Q. And I take it that new form of government</p> <p>22 began on January 1st, 2011?</p> <p>23 A. Yes.</p> <p>24 Q. Do you have an understanding of why the</p> <p>25 County decided to implement a new form of government</p>                                                                                   |

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| <p style="text-align: right;">Page 34</p> <p>1 in 2011?</p> <p>2 MS. SACKS: Objection.</p> <p>3 THE WITNESS: The County didn't decide</p> <p>4 that.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Okay. Who decided?</p> <p>7 A. The voters of Cuyahoga County.</p> <p>8 Q. Okay. And what was the process, if you</p> <p>9 know, for the voters approving a new form of</p> <p>10 government in 2010-2011?</p> <p>11 A. Can you describe that question?</p> <p>12 Q. Well, I guess I'm not -- I'd like to try</p> <p>13 to understand how it was that the voters had the</p> <p>14 ability to approve a new form of government in the</p> <p>15 2010-2011 time frame.</p> <p>16 A. So I was not part of that, the citizen</p> <p>17 process, but I worked at the Board of Elections at</p> <p>18 that time, and it was petition-initiated. So you</p> <p>19 have -- there's a whole process laid out for that.</p> <p>20 Q. And when you say it was</p> <p>21 petition-initiated, what do you mean by that?</p> <p>22 A. In order to get something on the ballot,</p> <p>23 you have to go get so many signatures, valid</p> <p>24 signatures, and that process took place by a group</p> <p>25 of individuals.</p> | <p style="text-align: right;">Page 36</p> <p>1 BY MR. MOONEY:</p> <p>2 Q. Sure. Did it involve bribery?</p> <p>3 MS. SACKS: Objection.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Do you know if the county officials were</p> <p>7 investigated because of allegations of corruption?</p> <p>8 MS. SACKS: Objection.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. MOONEY:</p> <p>11 Q. Do you know if the county elected</p> <p>12 officials that you understand were under</p> <p>13 investigation were being investigated for financial</p> <p>14 crimes?</p> <p>15 MS. SACKS: Objection.</p> <p>16 THE WITNESS: I don't know.</p> <p>17 BY MR. MOONEY:</p> <p>18 Q. I think you also said that there were some</p> <p>19 issues with county employees that might have</p> <p>20 motivated this petition; is that right?</p> <p>21 MS. SACKS: Objection.</p> <p>22 THE WITNESS: That's my understanding.</p> <p>23 BY MR. MOONEY:</p> <p>24 Q. And do you have an understanding of what</p> <p>25 the issues were with the county employees?</p>                           |
| <p style="text-align: right;">Page 35</p> <p>1 Q. Do you know who led that effort to put</p> <p>2 this ballot initiative on the ballot?</p> <p>3 A. I do not.</p> <p>4 Q. Do you have an understanding of why the</p> <p>5 issue of forming a new government was placed on the</p> <p>6 ballot?</p> <p>7 A. There were some issues with some county</p> <p>8 elected officials and employees.</p> <p>9 Q. What issues were there with county elected</p> <p>10 officials, if you know?</p> <p>11 A. I don't have the details of all the</p> <p>12 various individuals that were involved, but it was</p> <p>13 related to a federal investigation.</p> <p>14 Q. And do you know what the federal</p> <p>15 government was investigating?</p> <p>16 MS. SACKS: Objection.</p> <p>17 THE WITNESS: Not the details.</p> <p>18 BY MR. MOONEY:</p> <p>19 Q. Do you have -- even if not the details, do</p> <p>20 you have a high-level understanding of what the</p> <p>21 federal government was investigating in relation to</p> <p>22 these county elected officials?</p> <p>23 MS. SACKS: Objection.</p> <p>24 THE WITNESS: Not a good understanding.</p> <p>25</p>                                          | <p style="text-align: right;">Page 37</p> <p>1 A. I do not.</p> <p>2 Q. Do you know if the county employees that</p> <p>3 you said had issues were also under federal</p> <p>4 investigation?</p> <p>5 MS. SACKS: Objection.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 BY MR. MOONEY:</p> <p>8 Q. So after the new government was formed in</p> <p>9 2011, is that when you had the County Council come</p> <p>10 into creation?</p> <p>11 MS. SACKS: Objection.</p> <p>12 THE WITNESS: The new government was voted</p> <p>13 on prior to 2011.</p> <p>14 BY MR. MOONEY:</p> <p>15 Q. Okay. And then on January 1st, 2011, the</p> <p>16 new government sort of came into existence, is that</p> <p>17 right, if the other government ended on the 31st of</p> <p>18 2010?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And do you have an understanding of</p> <p>21 whether there are any differences between the</p> <p>22 responsibilities of the County Commissioners and the</p> <p>23 County Council as it is constituted today?</p> <p>24 MS. SACKS: Objection.</p> <p>25 THE WITNESS: Can you clarify that</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 question? That's a pretty open-ended question.</p> <p>2 BY MR. MOONEY:</p> <p>3 Q. It's intended to be.</p> <p>4 Are there -- do you have -- there was the</p> <p>5 County Commissioners?</p> <p>6 A. Yes.</p> <p>7 Q. They were a legislative type body,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now you have the County Council,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And they are also a legislative body?</p> <p>14 A. Yes.</p> <p>15 Q. To your knowledge, are there any</p> <p>16 differences in the powers or responsibilities of the</p> <p>17 County Commissioners as they existed before and the</p> <p>18 County Council as it exists today?</p> <p>19 A. Yes, because not only the County</p> <p>20 Commissioners went away in the new -- with the new</p> <p>21 form of government, but an elected recorder, an</p> <p>22 elected auditor, an elected treasurer, those</p> <p>23 positions went away -- an elected sheriff, those</p> <p>24 positions went away and were replaced with an</p> <p>25 elected county executive and an elected 11 members</p>                                                                                                                                                                                  | <p style="text-align: right;">Page 40</p> <p>1 legislation, but a resolution is a piece of</p> <p>2 legislation that would approve a contract or</p> <p>3 appropriate money or approve a board appointment for</p> <p>4 a board versus an ordinance where it becomes</p> <p>5 codified and part of the county code.</p> <p>6 Q. Okay. So the County Council has contract</p> <p>7 approval responsibilities like the commissioners did</p> <p>8 in the old form of government?</p> <p>9 A. Yes, just different thresholds.</p> <p>10 Q. But the threshold -- well, where does that</p> <p>11 threshold come from?</p> <p>12 A. An ordinance passed by Council.</p> <p>13 Q. So Council set its own threshold now?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know what that threshold is?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What is the threshold?</p> <p>18 A. The threshold for County Council?</p> <p>19 Q. Yes.</p> <p>20 A. \$500,000 or more. Generally there are</p> <p>21 various nuances within the county code that might</p> <p>22 require Council approval for other things, but for</p> <p>23 most contracts and agreements.</p> <p>24 Q. And do you know when County Council passed</p> <p>25 the ordinance setting the contract threshold at</p> |
| <p style="text-align: right;">Page 39</p> <p>1 of council. And various responsibilities through</p> <p>2 the charter, the new charter that took place,</p> <p>3 assigned those responsibilities to different</p> <p>4 positions.</p> <p>5 Q. Sure. And do you have an understanding of</p> <p>6 whether the new charter assigned new</p> <p>7 responsibilities to the County Council that the</p> <p>8 County Commissioners did not have under the old form</p> <p>9 of government?</p> <p>10 A. Yes. I would say the difference between</p> <p>11 the two is that the County Commissioners, from my</p> <p>12 understanding, the big difference, they did not pass</p> <p>13 necessarily codified ordinances like the County</p> <p>14 Council currently does.</p> <p>15 Q. And what is a codified ordinance as you</p> <p>16 understand that term?</p> <p>17 A. My layman's term of a codified ordinance</p> <p>18 is basically a code, county code that runs -- it's</p> <p>19 kind of our local set of rules, like comparable to</p> <p>20 like the Ohio Revised Code for the State of Ohio.</p> <p>21 Q. And is a codified ordinance different than</p> <p>22 a resolution of the County Council?</p> <p>23 A. It is, yes.</p> <p>24 Q. And so what is a resolution?</p> <p>25 A. A resolution would be -- they're both</p> | <p style="text-align: right;">Page 41</p> <p>1 \$500,000?</p> <p>2 A. I don't have an exact date.</p> <p>3 Q. Has the threshold that County Council</p> <p>4 passed been in place for the last five years?</p> <p>5 A. Yes.</p> <p>6 Q. Has the threshold been in place since</p> <p>7 2011?</p> <p>8 A. I don't know if it -- it was either 2011</p> <p>9 or 2012.</p> <p>10 Q. Okay. And has the threshold always been</p> <p>11 set at \$500,000, or has it been adjusted?</p> <p>12 A. It's been the same for County Council,</p> <p>13 500,000. Other thresholds have been adjusted.</p> <p>14 Q. What other thresholds are you referring</p> <p>15 to?</p> <p>16 A. When these thresholds were set up</p> <p>17 originally, part of the code, it created both a</p> <p>18 Board of Control and a Contracts and Purchasing</p> <p>19 Board. The Contracts and Purchasing Board, which</p> <p>20 has been since changed, but would approve everything</p> <p>21 between \$500 and \$100,000. And the Board of Control</p> <p>22 would approve everything between 100 and \$500,000.</p> <p>23 Q. Okay. So you said the Contracts and</p> <p>24 Purchasing Board has since changed, right?</p> <p>25 A. Yes.</p>                                               |

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| <p style="text-align: right;">Page 42</p> <p>1 Q. Okay. And in what way has the Contracts<br/>2 and Purchasing Board changed?<br/>3 A. That has been dissolved or removed, and<br/>4 the Board of Control now sees everything between<br/>5 \$500 and \$500,000.<br/>6 Q. And do you know when the Contracts and<br/>7 Purchasing Board was dissolved?<br/>8 A. I don't have an exact date.<br/>9 Q. Was it within the last three years?<br/>10 A. I don't know for sure.<br/>11 Q. Okay.<br/>12 A. Sorry, it was -- it was in the last four<br/>13 years.<br/>14 Q. Okay. And who dissolved the Contracts and<br/>15 Purchasing Board?<br/>16 A. It would require change to the county<br/>17 code, which would require Cuyahoga County Council's<br/>18 action.<br/>19 Q. Do you know why the County Council took<br/>20 action to dissolve the Contracts and Purchasing<br/>21 Board?<br/>22 A. Yes.<br/>23 MS. SACKS: Objection.<br/>24 BY MR. MOONEY:<br/>25 Q. Why did the Council dissolve the board?</p>                                                                                                                                                                   | <p style="text-align: right;">Page 44</p> <p>1 on the Contracts and Purchasing Board before it was<br/>2 dissolved?<br/>3 A. Yes.<br/>4 Q. Which members of County Council were also<br/>5 members of the Contracts and Purchasing Board?<br/>6 MS. SACKS: Objection.<br/>7 THE WITNESS: I don't remember.<br/>8 BY MR. MOONEY:<br/>9 Q. Did you sit on the Contracts and<br/>10 Purchasing Board?<br/>11 A. No.<br/>12 Q. Were you ever asked to attend a Contracts<br/>13 and Purchasing Board meeting?<br/>14 A. Yes.<br/>15 Q. Did you attend the Contracts and<br/>16 Purchasing Board meetings frequently?<br/>17 A. Yes.<br/>18 Q. Every meeting that occurred?<br/>19 A. I can't say every meeting.<br/>20 Q. But most? You were at most of the<br/>21 meetings; is that right?<br/>22 A. Yes, sir.<br/>23 Q. And were you -- did you attend these<br/>24 meetings at the request of a member of Council?<br/>25 MS. SACKS: Objection.</p>                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 43</p> <p>1 A. It was to ease administrative burden where<br/>2 the two boards met on the same day within a<br/>3 half-hour period, and it required two agendas and it<br/>4 was duplicative, so it wanted to streamline the<br/>5 process.<br/>6 Q. And how do you know that the Council<br/>7 dissolved the board to ease administrative burden?<br/>8 A. Because I work for County Council.<br/>9 Q. Did you have any conversations with<br/>10 members of County Council in which they expressed<br/>11 that the reason they were dissolving the board or<br/>12 they were going to vote to dissolve the board was to<br/>13 ease administrative burdens?<br/>14 A. Yeah, to streamline the process.<br/>15 Q. And who on County Council did you speak to<br/>16 about dissolving the Contracts and Purchasing Board?<br/>17 MS. SACKS: Objection.<br/>18 THE WITNESS: I don't remember.<br/>19 BY MR. MOONEY:<br/>20 Q. Who sat on the Contracts and Purchasing<br/>21 Board, if you know?<br/>22 MS. SACKS: Objection.<br/>23 THE WITNESS: I don't remember.<br/>24 BY MR. MOONEY:<br/>25 Q. Were there any members of County Council</p> | <p style="text-align: right;">Page 45</p> <p>1 THE WITNESS: No.<br/>2 BY MR. MOONEY:<br/>3 Q. So why did you attend these Contracts and<br/>4 Purchasing Board meetings?<br/>5 A. Not a direct member of Council directed me<br/>6 or asked me to go. It was part of -- just as a<br/>7 staff responsibility.<br/>8 Q. And what was your responsibility in<br/>9 attending these Contracts and Purchasing Board<br/>10 meetings?<br/>11 A. To observe to -- they are public meetings,<br/>12 to observe to see what kind of questions are being<br/>13 asked; what, if any, items would get held; if<br/>14 anything might have come up that wasn't necessarily<br/>15 on the agenda, those type of things.<br/>16 Q. What do you mean by "items would get<br/>17 held"?<br/>18 A. If a Contracts and Purchasing Board member<br/>19 had maybe a question that the presenter of the item<br/>20 could not answer and would have to get more<br/>21 information, an item would be held potentially for<br/>22 the next week until additional information would be<br/>23 provided.<br/>24 That could be one. That's one example of<br/>25 an item getting held.</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 Q. Sure. Are there -- so if the Contracts<br/>2 and Purchasing Board approved an item, was that part<br/>3 of the process as well, there was an approval<br/>4 process?<br/>5 A. Yes.<br/>6 Q. And is the approval documented in some<br/>7 way?<br/>8 A. Yes.<br/>9 MS. SACKS: Objection.<br/>10 BY MR. MOONEY:<br/>11 Q. How is the Contracts and Purchasing Board<br/>12 approval documented?<br/>13 A. Can you just kind of clarify what you mean<br/>14 "documented"?<br/>15 Q. Sure. Is there some sort of a record that<br/>16 I could look at that says on January 1st of 2012 the<br/>17 Contracts and Purchasing Board approved some item?<br/>18 A. Yes.<br/>19 Q. Okay. And what is that document called?<br/>20 A. Minutes for each meeting.<br/>21 Q. And do the meeting minutes describe what<br/>22 the item is, what the request was for?<br/>23 A. The meeting minutes provides the<br/>24 department who's requesting it a brief description<br/>25 of the item. So it would have perhaps the vendor</p>                                                                                                                      | <p style="text-align: right;">Page 48</p> <p>1 Is there a way that you could go back and<br/>2 look or find out that information?<br/>3 A. Yes.<br/>4 Q. Okay. What would you do to find that<br/>5 information?<br/>6 A. What information?<br/>7 Q. The -- whether the contract had been<br/>8 signed and the money had been paid.<br/>9 A. So I just need clarification because those<br/>10 are two different things.<br/>11 Q. Sure. Let's go with the money being paid.<br/>12 A. On money being paid, I would look in our<br/>13 FAMIS system, which is our financial general ledger<br/>14 system for the county currently.<br/>15 Q. And do you have access to FAMIS?<br/>16 A. I do.<br/>17 Q. Have you always had access to FAMIS since<br/>18 the County -- since the County implemented that<br/>19 program?<br/>20 A. Not since the County implemented the<br/>21 program. It's a 40-year-old program.<br/>22 Q. Okay. So since you started working as the<br/>23 legislative budget adviser, have you had access to<br/>24 FAMIS?<br/>25 A. Yes.</p>                              |
| <p style="text-align: right;">Page 47</p> <p>1 name, the dollar amount, the start and end date, and<br/>2 a funding source.<br/>3 Q. And when you say "funding source," what do<br/>4 you mean by that?<br/>5 A. Items could be funded from the general<br/>6 fund, the Health and Human Services levy, or other<br/>7 various funds that is related to the county.<br/>8 Q. Do you know if the -- if the fact of the<br/>9 Contracts and Purchasing Board approved an item<br/>10 meant necessarily that the money actually was spent<br/>11 on the item that was approved by the Contracts and<br/>12 Purchasing Board?<br/>13 A. I would not know that for every item.<br/>14 Q. Would there be a way that you could check<br/>15 if you wanted to know?<br/>16 MS. SACKS: Objection.<br/>17 THE WITNESS: What -- can you clarify what<br/>18 you mean by that?<br/>19 BY MR. MOONEY:<br/>20 Q. Sure. This is an example, but say a<br/>21 council member knew that the Contracts and<br/>22 Purchasing Board had approved a contract for \$1,000<br/>23 and then three months later they say, "Hey, did that<br/>24 contract ever get signed, did that purchase order<br/>25 get paid?"</p> | <p style="text-align: right;">Page 49</p> <p>1 Q. I've also heard of a system called BRASS.<br/>2 Are you familiar with that system?<br/>3 A. Yes.<br/>4 Q. Is that a system that you also have access<br/>5 to as the legislative budget adviser?<br/>6 A. I do have access to it.<br/>7 Q. And do you use FAMIS as part of your sort<br/>8 of regular responsibilities as the legislative<br/>9 budget adviser?<br/>10 A. Could you clarify what you mean by<br/>11 "regular"?<br/>12 Q. Sure. Do you remember your password when<br/>13 you log in, or is it something that you use --<br/>14 A. For FAMIS I do.<br/>15 Q. But not for BRASS?<br/>16 A. I don't use BRASS as much.<br/>17 Q. Okay. And what do you use FAMIS for?<br/>18 A. FAMIS, again, is our general ledger, tells<br/>19 you when checks are issued or encumbrances are given<br/>20 on a contract.<br/>21 So I typically would use FAMIS for to see<br/>22 if a voucher was processed for a payment for a<br/>23 check.<br/>24 Q. Do you know if members of County Council<br/>25 have access to the FAMIS system?</p> |



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| <p style="text-align: right;">Page 50</p> <p>1 A. They do not.</p> <p>2 Q. So if a County Council member had a</p> <p>3 question about the County's accounting system, they</p> <p>4 would likely talk to you about it?</p> <p>5 A. They would more than likely talk to me</p> <p>6 about it.</p> <p>7 Q. Are there other members of the County</p> <p>8 Council staff that they might speak with?</p> <p>9 A. Yes. They very well could.</p> <p>10 Q. Who else would they speak with?</p> <p>11 A. Any one of my colleagues.</p> <p>12 Q. So everyone on the County Council staff</p> <p>13 has access to FAMIS?</p> <p>14 A. They don't have access to it, but they --</p> <p>15 council members would ask them.</p> <p>16 Q. And then they would ask you?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. You also mentioned that there was a</p> <p>19 Board of Control?</p> <p>20 A. Yes.</p> <p>21 Q. And does the Board of Control operate in a</p> <p>22 similar manner to the way the Contracts and</p> <p>23 Purchasing Board did, just with a higher threshold?</p> <p>24 A. Yeah, the threshold was 100 to 500,000 at</p> <p>25 that time when the Contracts and Purchasing Board</p> | <p style="text-align: right;">Page 52</p> <p>1 THE WITNESS: I don't understand the</p> <p>2 question.</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. Well, before Council President Baker was a</p> <p>5 member of the Board of Control, was Council</p> <p>6 President Connally a member of the Board of Control?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you know how long Councilman Miller has</p> <p>9 been a member of the Board of Control?</p> <p>10 A. Not definitively.</p> <p>11 Q. How about Council Member Baker, do you</p> <p>12 know how long Council Member Baker has been a member</p> <p>13 of the Board of Control?</p> <p>14 A. She took office -- she's a new council</p> <p>15 member. I don't know what date she was appointed to</p> <p>16 the Board of Control. She's a newer council</p> <p>17 member --</p> <p>18 Q. Sure.</p> <p>19 A. -- compared to --</p> <p>20 Q. Are the -- so the council members --</p> <p>21 sorry, strike that.</p> <p>22 So you said you don't know which date</p> <p>23 Council Member Baker was appointed to the Board of</p> <p>24 Control.</p> <p>25 Does that mean that there's an appointment</p> |
| <p style="text-align: right;">Page 51</p> <p>1 existed.</p> <p>2 Q. Right. And so are there meetings of</p> <p>3 the -- excuse me.</p> <p>4 Are there meetings of the Board of Control</p> <p>5 where items are discussed?</p> <p>6 A. Yes.</p> <p>7 Q. Are members of County Council also members</p> <p>8 of the Board of -- Board of Control?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know which members of County</p> <p>11 Council are also members of the Board of Control?</p> <p>12 A. Yes.</p> <p>13 Q. And who? Which council members are</p> <p>14 members of the Board of Control?</p> <p>15 MS. SACKS: Objection.</p> <p>16 THE WITNESS: What -- so the -- are you</p> <p>17 talking about today?</p> <p>18 BY MR. MOONEY:</p> <p>19 Q. Yes, let's start with today.</p> <p>20 A. Councilman Dale Miller and Councilwoman</p> <p>21 Nan Baker and Council President Dan Brady.</p> <p>22 Q. Now let's work our way back.</p> <p>23 Is the council president to your knowledge</p> <p>24 always also a member of the Board of Control?</p> <p>25 MS. SACKS: Objection.</p>                                                                                                    | <p style="text-align: right;">Page 53</p> <p>1 process for members, council members becoming</p> <p>2 members of the Board of Control?</p> <p>3 A. Yes.</p> <p>4 Q. And what is that process?</p> <p>5 A. The council president appoints the three</p> <p>6 members of County Council to the Board of Control</p> <p>7 every two years because that's the term of a council</p> <p>8 president.</p> <p>9 I said every two years, right?</p> <p>10 Q. Yes.</p> <p>11 A. Okay.</p> <p>12 Q. Have you -- do you have an understanding</p> <p>13 of the criteria the council president uses when</p> <p>14 appointing members to the Board of Control?</p> <p>15 MS. SACKS: Objection.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. MOONEY:</p> <p>18 Q. Do you attend Board of Control meetings as</p> <p>19 part of your responsibilities as the legislative</p> <p>20 budget adviser for the Cuyahoga County Council?</p> <p>21 A. Yes.</p> <p>22 Q. And are you -- do you attend those</p> <p>23 meetings for the same reasons that you attended the</p> <p>24 Contracts and Purchasing Board meetings?</p> <p>25 A. No.</p>                              |



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| <p style="text-align: right;">Page 54</p> <p>1 Q. So why do you attend the Board of Control</p> <p>2 meetings?</p> <p>3 A. I serve as an alternate to the council</p> <p>4 members, and I routinely go for the council</p> <p>5 president.</p> <p>6 Q. And what are your responsibilities as an</p> <p>7 alternate for the council members on the Board of</p> <p>8 Control?</p> <p>9 A. It's full voting rights as a member of the</p> <p>10 Board of Control.</p> <p>11 Q. So if an item comes before the Board of</p> <p>12 Control, you vote whether to approve, disapprove or</p> <p>13 hold the item; is that right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And when you vote as a member or as an</p> <p>16 alternate for a council member, are you voting for</p> <p>17 yourself, or are you voting on behalf of the council</p> <p>18 member?</p> <p>19 A. Can you clarify that question?</p> <p>20 Q. Sure. So in the meeting minutes, for</p> <p>21 instance, if it says Trevor McAleer voted no on</p> <p>22 Item 1755, is it -- do the minutes reflect that it's</p> <p>23 Trevor McAleer voted no or Trevor McAleer for</p> <p>24 President Council Baker voted no, or is there no</p> <p>25 distinction to your knowledge?</p>                                           | <p style="text-align: right;">Page 56</p> <p>1 Q. Do you have any conversation with Council</p> <p>2 Member Miller about the items that will be on the</p> <p>3 agenda for which you will serve as his alternate?</p> <p>4 A. Yes.</p> <p>5 Q. And what do you discuss during those</p> <p>6 meetings with the council member about the Board of</p> <p>7 Control meeting for which you will serve as an</p> <p>8 alternate?</p> <p>9 MS. SACKS: Objection.</p> <p>10 THE WITNESS: They're not -- they're not</p> <p>11 meetings. They're more -- because they might be</p> <p>12 emails.</p> <p>13 BY MR. MOONEY:</p> <p>14 Q. Okay. And what are the subjects of the</p> <p>15 emails between you and the council member at a</p> <p>16 general level?</p> <p>17 MS. SACKS: Objection.</p> <p>18 THE WITNESS: It's -- the agenda comes out</p> <p>19 two or so days prior to each weekly agenda meeting,</p> <p>20 each meeting, and the discussion is only around</p> <p>21 advanced questions that we would send over to the</p> <p>22 clerk of the board.</p> <p>23 BY MR. MOONEY:</p> <p>24 Q. And what are advance questions or advanced</p> <p>25 questions?</p> |
| <p style="text-align: right;">Page 55</p> <p>1 A. On the minutes it has a roll call section</p> <p>2 to say who's present. It will say Trevor McAleer,</p> <p>3 and then it will say alternate for person X.</p> <p>4 Q. So do you --</p> <p>5 A. Then under each item it will say Trevor</p> <p>6 McAleer voted yes. It won't say under each item --</p> <p>7 Q. As alternate for council member X?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And so is it your understanding</p> <p>10 that as an alternate you are there as a</p> <p>11 representative of the County Council member for whom</p> <p>12 you are the alternate?</p> <p>13 A. I'm there as an alternate for the council</p> <p>14 member that I'm there for that day.</p> <p>15 Q. So before -- and before the meetings for</p> <p>16 which you were an alternate, do you speak with the</p> <p>17 council member about the upcoming items?</p> <p>18 A. What council member?</p> <p>19 Q. If you're an alternate for -- we will just</p> <p>20 use Council Member Miller for this example. If</p> <p>21 you're going to stand in for Council Member Miller,</p> <p>22 do you speak with him before the meeting and say,</p> <p>23 "These are the items, how would you like me to</p> <p>24 vote"?</p> <p>25 A. No.</p> | <p style="text-align: right;">Page 57</p> <p>1 A. So you review the agenda, and we do send</p> <p>2 over questions that -- just various questions about</p> <p>3 any of the items over prior to the council</p> <p>4 meeting -- I'm sorry, prior to the Board of Control</p> <p>5 meeting.</p> <p>6 Q. And are the questions that are sent to the</p> <p>7 Board of Control questions that you come up with?</p> <p>8 MS. SACKS: Objection.</p> <p>9 BY MR. MOONEY:</p> <p>10 Q. Or are they Mr. Miller's questions that</p> <p>11 you're conveying to the board?</p> <p>12 A. They're both.</p> <p>13 Q. And then do council members provide any</p> <p>14 guidance to you, the council members who sit on the</p> <p>15 Board of Control, do they provide any guidance to</p> <p>16 you regarding whether or not they believe an item</p> <p>17 should or should not be approved?</p> <p>18 MS. SACKS: Objection.</p> <p>19 THE WITNESS: No.</p> <p>20 You're -- can I ask for clarification on</p> <p>21 that question?</p> <p>22 BY MR. MOONEY:</p> <p>23 Q. Sure.</p> <p>24 A. You're saying when I serve as their</p> <p>25 alternate?</p>                         |

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| <p style="text-align: right;">Page 58</p> <p>1 Q. Right.</p> <p>2 A. Okay.</p> <p>3 Q. What I'm trying to get at is, when you get</p> <p>4 to the Board of Control meeting, are you sort of</p> <p>5 free to make decisions that you think are in the</p> <p>6 best interest of the county as opposed to what</p> <p>7 you've been instructed by a member of council to do</p> <p>8 at the meeting on their behalf?</p> <p>9 A. Yes, I -- even though I might serve as a</p> <p>10 council alternate, I'm free to make my decision of</p> <p>11 what I believe is the best interest.</p> <p>12 Q. Okay. And how long have you served as an</p> <p>13 alternate for members of council on the Board of</p> <p>14 Control?</p> <p>15 A. I don't have an exact time frame.</p> <p>16 Q. Okay. How about generally, since 2013</p> <p>17 have you served as an alternate?</p> <p>18 A. It was later than that.</p> <p>19 Q. It was later. Was it within the last two</p> <p>20 years?</p> <p>21 A. It was longer than that. It was --</p> <p>22 Q. Somewhere between I guess six now and six</p> <p>23 and two years ago, okay.</p> <p>24 A. Less than four.</p> <p>25 Q. Before you were serving in an alternate</p>                                                                    | <p style="text-align: right;">Page 60</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. In your time serving as an alternate for a</p> <p>5 member of the board -- excuse me, strike that.</p> <p>6 In your time serving as an alternate for a</p> <p>7 member of the County Council on the Board of</p> <p>8 Control, have you ever voted on an item that</p> <p>9 concerned prescription opioids?</p> <p>10 MS. SACKS: Objection.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. MOONEY:</p> <p>13 Q. In your time serving as an alternate for a</p> <p>14 member of council on the Board of Control, have you</p> <p>15 ever voted on an item that concerned heroin?</p> <p>16 MS. SACKS: Same objection.</p> <p>17 THE WITNESS: I don't know.</p> <p>18 BY MR. MOONEY:</p> <p>19 Q. Have -- has the Board of Control to your</p> <p>20 knowledge ever approved an item related to Narcan?</p> <p>21 A. I don't know for sure.</p> <p>22 Q. For the Board of Control meetings, are</p> <p>23 there also minutes like there were for the Contracts</p> <p>24 and Purchasing Board that reflect the requests, the</p> <p>25 vendor name, the amount of money, the start and end</p> |
| <p style="text-align: right;">Page 59</p> <p>1 capacity for members of council on the Board of</p> <p>2 Control, was there another member of council staff</p> <p>3 who served as the members' alternates at these Board</p> <p>4 of Control meetings?</p> <p>5 A. No.</p> <p>6 Q. In your time attending contracts and -- is</p> <p>7 it purchasing and contracts board or Contracts and</p> <p>8 Purchasing Board?</p> <p>9 A. Board of Control and Contracts and</p> <p>10 Purchasing Board.</p> <p>11 Q. Okay. In your time attending meetings of</p> <p>12 the Contracts and Purchasing Board, did you -- were</p> <p>13 there ever any agenda items in which funds were</p> <p>14 requested that related to prescription opioids?</p> <p>15 A. Can you ask that question one more time,</p> <p>16 please?</p> <p>17 Q. Sure. In your time attending meetings of</p> <p>18 the Contracts and Purchasing Board, were there ever</p> <p>19 any agenda items in which funds were requested that</p> <p>20 related to prescription opioids?</p> <p>21 A. I don't know.</p> <p>22 Q. In your time attending meetings of the</p> <p>23 Board of Control, were there ever any agenda items</p> <p>24 in which funds were requested that related to</p> <p>25 prescription opioids?</p> | <p style="text-align: right;">Page 61</p> <p>1 date of the contract and the funding source?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And is the Board of Control responsible</p> <p>4 for approving purchase order requests?</p> <p>5 A. The Board of Control is required to</p> <p>6 purchase everything above \$500 --</p> <p>7 Q. Okay.</p> <p>8 A. -- to 500,000.</p> <p>9 Q. Okay. Because earlier when we were</p> <p>10 discussing the Contracts and Purchasing Board, I</p> <p>11 think one of the things you mentioned in the minutes</p> <p>12 were a start and end date of the contract is often</p> <p>13 included; is that right?</p> <p>14 A. For contracts.</p> <p>15 Q. Right.</p> <p>16 A. And agreements if they have start and end</p> <p>17 dates.</p> <p>18 Q. Okay. And that's the same for the Board</p> <p>19 of Control? They would approve contracts and</p> <p>20 agreements and also purchasing orders above the</p> <p>21 threshold that exists?</p> <p>22 A. There are purchase orders that don't have</p> <p>23 start and end dates.</p> <p>24 Q. Right, exactly. So if they needed to buy</p> <p>25 \$100,000 worth of pencils, that would be an item</p>                                                               |

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| <p style="text-align: right;">Page 62</p> <p>1 that would go before the Board of Control; is that<br/>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. And if an item is less than \$500, is there<br/>5 a board or organization that has to approve those?</p> <p>6 A. There's not a board.</p> <p>7 Q. And are those -- so if it's less than<br/>8 \$500, is that just the individual department can<br/>9 approve the payment?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And they can approve the contract if the<br/>12 contract is going to be less than the threshold and<br/>13 also doesn't hit on whatever other exceptions exist<br/>14 that you described earlier?</p> <p>15 MS. SACKS: Objection.</p> <p>16 THE WITNESS: I don't know.</p> <p>17 BY MR. MOONEY:</p> <p>18 Q. Okay. Let me take that in two pieces, and<br/>19 maybe we can figure out if it's -- figure out if you<br/>20 know the answer.</p> <p>21 If a contract is less than the \$500<br/>22 threshold, a services contract, is the department<br/>23 able to approve that without going to a separate<br/>24 board?</p> <p>25 MS. SACKS: Objection.</p>                                                      | <p style="text-align: right;">Page 64</p> <p>1 oversee, do projections, do forecasting, do budget<br/>2 preparations for those departments that we were<br/>3 assigned.</p> <p>4 Q. And do you remember which departments you<br/>5 were assigned to as your responsibilities as a<br/>6 budget analyst?</p> <p>7 A. I don't remember them all.</p> <p>8 Q. Okay. Do you remember some of them?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Which ones were they?</p> <p>11 A. Public works, which was -- it's now called<br/>12 public works. It was then called central services<br/>13 and the county engineer.</p> <p>14 Q. And is that -- I should say what is the --<br/>15 what is central services and the county engineer?</p> <p>16 A. Basically custodians, trades. That was<br/>17 the division where they would pay all the utilities<br/>18 and things like that, keep the building<br/>19 maintained -- the buildings maintained.</p> <p>20 Q. Okay. Do you remember any other<br/>21 departments that you were assigned to?</p> <p>22 A. I was assigned to the Soldiers and Sailors<br/>23 Monument. And I don't remember any other offhand.</p> <p>24 Q. Okay. Were you assigned to or I should<br/>25 say was the police department one of the departments</p> |
| <p style="text-align: right;">Page 63</p> <p>1 THE WITNESS: I don't know.</p> <p>2 BY MR. MOONEY:</p> <p>3 Q. All right. We got a little off track of<br/>4 where I wanted to go, so I'm going to swing back to<br/>5 after your time as a Board of Elections intern and<br/>6 between your time as the legislative budget adviser,<br/>7 you said you were also a budget -- you worked for<br/>8 OBM, is that right, the Office of Budget and<br/>9 Management in a capacity?</p> <p>10 A. Just for clarification, I was not a Board<br/>11 of Elections intern.</p> <p>12 Q. Okay. Right, sorry. You were an intern<br/>13 with the County Commissioners?</p> <p>14 A. Commissioners.</p> <p>15 Q. And then what did you do after that?</p> <p>16 A. I went to the Office of Budget and<br/>17 Management.</p> <p>18 Q. Okay. And what was your role in the<br/>19 Office of Budget and Management?</p> <p>20 A. I was a budget analyst.</p> <p>21 Q. And what was your role as a budget<br/>22 analyst?</p> <p>23 A. Analysts would be assigned various<br/>24 departments, and we would be responsible to work<br/>25 with those departments throughout the year and</p> | <p style="text-align: right;">Page 65</p> <p>1 for which you had responsibility as a budget<br/>2 analyst?</p> <p>3 A. The county does not have a police<br/>4 department.</p> <p>5 Q. You're right, it doesn't. The sheriff's<br/>6 office, I'm sorry.</p> <p>7 A. I don't remember.</p> <p>8 Q. How about the ADAMHS Board, was that<br/>9 something that you oversaw as your role as a budget<br/>10 analyst?</p> <p>11 A. No.</p> <p>12 Q. Did you have responsibility for Children<br/>13 and Family Services?</p> <p>14 A. No.</p> <p>15 Q. You said that one of the responsibilities<br/>16 was to work on projections and forecasting for the<br/>17 departments.</p> <p>18 What did that entail?</p> <p>19 A. So working with -- for the most part each<br/>20 department had their own finance or business person,<br/>21 so working with them to see what new purchases they<br/>22 may or may not want to make for the upcoming budget<br/>23 year, what kind of -- particularly in central<br/>24 services, like what capital needs were needed for<br/>25 the buildings, any kind of like unexpected things</p>                                                                                                                                            |

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| <p style="text-align: right;">Page 66</p> <p>1 that may have happened, you know, with a building<br/> 2 that you can't necessarily forecast or budget for,<br/> 3 things like that.<br/> 4 Q. And did you work on any revenue<br/> 5 projections in your role as a budget analyst?<br/> 6 A. What kind of revenue projections?<br/> 7 Q. I didn't know there were more than one.<br/> 8 So what did you have in mind with your<br/> 9 question?<br/> 10 A. Central services has an internal service<br/> 11 fund where they charge back to various departments<br/> 12 because they serve all departments. Technically<br/> 13 that would be revenue for the central services<br/> 14 department. But it's not new revenue in terms of<br/> 15 how I am anticipating that you're asking.<br/> 16 Q. Right. So you didn't have any<br/> 17 responsibility over general fund forecasting?<br/> 18 A. Not -- not as that OBM analyst.<br/> 19 Q. Sure. And any responsibility for HHS levy<br/> 20 forecasting?<br/> 21 A. Not at that time as an OBM analyst.<br/> 22 Q. Okay. And then did you -- you said you<br/> 23 also helped with the budget process for these<br/> 24 departments.<br/> 25 What did that entail?</p>                                                                                                    | <p style="text-align: right;">Page 68</p> <p>1 a better projection number and when are you going to<br/> 2 get that contract in place, when are you going to<br/> 3 start expending those funds, things of that nature.<br/> 4 Q. Okay. And so when -- for example, the<br/> 5 Soldiers and Sailors Monument organization receives<br/> 6 funds.<br/> 7 Do they just get a pot of money that then<br/> 8 they have to use consistent with the budget? How<br/> 9 does that work?<br/> 10 MS. SACKS: Objection.<br/> 11 BY MR. MOONEY:<br/> 12 Q. Let me rephrase.<br/> 13 When the Council approves funding -- I<br/> 14 guess at this point when the commissioners approved<br/> 15 funding for the Soldiers and Sailors fund, is the<br/> 16 funding earmarked for specific contracts or specific<br/> 17 numbers of personnel?<br/> 18 A. Not specific numbers of contracts. They<br/> 19 would be budgeted from a personnel level, like<br/> 20 personal services, which would be staff, then<br/> 21 contracts and professional services, and then<br/> 22 capital.<br/> 23 So you have your various types of<br/> 24 expenditures, but that would be the level that the<br/> 25 County Commissioners at that time would approve the</p>        |
| <p style="text-align: right;">Page 67</p> <p>1 A. So you mentioned the BRASS system earlier.<br/> 2 The -- going into the BRASS system and working with<br/> 3 the departments to make sure we had the appropriate<br/> 4 staffing levels; if there were vacancies, making<br/> 5 sure that's accounted for; having all the contracts<br/> 6 that were in the system or that were anticipated to<br/> 7 be procured throughout the year or the following<br/> 8 year, things of that nature.<br/> 9 Q. And when you went into the BRASS system,<br/> 10 you were doing that for the departments for which<br/> 11 you had responsibility as a budget analyst; is that<br/> 12 right?<br/> 13 A. Yes, sir.<br/> 14 Q. And then throughout the year after the<br/> 15 budget had been passed, you said I think that you<br/> 16 oversaw the budget for the various departments; is<br/> 17 that right?<br/> 18 A. Yes.<br/> 19 Q. Okay. And what did that entail?<br/> 20 A. Again, similar to the budget prep, but<br/> 21 working with the departments, trying to, you know,<br/> 22 do accurate projections for quarterly or monthly<br/> 23 reports; include are you going to really hire those<br/> 24 vacant positions that you've had or, you know, when<br/> 25 do you anticipate them being onboard so we can have</p> | <p style="text-align: right;">Page 69</p> <p>1 budget.<br/> 2 Q. And is that -- the level with personnel,<br/> 3 contracting services and then capital, is that<br/> 4 consistent with how the County Council appropriates<br/> 5 funds today?<br/> 6 A. Yes, it's the same level category. We<br/> 7 don't for the most part appropriate capital like we<br/> 8 did back in the commissioners, but it's still an<br/> 9 available line.<br/> 10 Q. Okay. So other than overseeing the<br/> 11 budgeting process, working on forecasts and<br/> 12 projections and following up after the budget had<br/> 13 been approved, did you have any other<br/> 14 responsibilities as a budget analyst?<br/> 15 A. Just constant continuing to work with the<br/> 16 departments that we were assigned.<br/> 17 Q. And when were you -- well, actually I'll<br/> 18 finish that out.<br/> 19 After working for OBM, you went back to<br/> 20 the Board of Elections; is that right?<br/> 21 A. I went to the Board of Elections.<br/> 22 Q. To the Board of Elections. I think I must<br/> 23 have been looking at the wrong LinkedIn page when I<br/> 24 was trying to figure out what you did before working<br/> 25 as a legislative budget adviser.</p> |

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1 Okay. So you went to the Board of  
2 Elections, and what was your responsibility there?  
3 A. I was the fiscal services manager.  
4 Q. And what was the role of a fiscal services  
5 manager in the Board of Elections?  
6 A. So I was in charge of, of course, the  
7 finances and oversaw the operations of the -- we had  
8 a couple different buildings, so both buildings, and  
9 I had some staff as well.  
10 Q. When you say you were in charge of the  
11 finances, does that mean you were involved in the  
12 budget process for the Board of Elections?  
13 A. Yes.  
14 Q. And what were your responsibilities as a  
15 fiscal services manager vis-a-vis the budget?  
16 A. In preparing for the budget?  
17 Q. Yes.  
18 A. So with elections each year is different.  
19 You could have, you know, primary and general  
20 county-wide elections if it's a presidential year or  
21 governor's year or it might just be a municipal  
22 year. So every year the budget was always  
23 constantly changing based on what elections were for  
24 that calendar year.  
25 So it was -- and the type of expenses you

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1 needed varied from election to election as well.  
2 So it was in terms of the budget basically  
3 getting a good projection for each election year  
4 over year for that.  
5 Q. Okay. And so now taking a step back, when  
6 you were an intern with the County Commissioners,  
7 how long were you an intern? What was the time  
8 frame of that appointment or that internship?  
9 A. I don't recall the exact length of time.  
10 Q. Okay. Was it before -- did you have the  
11 internship while you were still at Cleveland State  
12 getting your master's?  
13 A. I did, yes.  
14 Q. And then after you got your master's in  
15 2006, is that when you went to become a budget  
16 analyst?  
17 A. Somewhere within that window.  
18 Q. 2006-2007-ish?  
19 A. Yes.  
20 Q. And do you know when you became the fiscal  
21 services manager for the County Board of Elections?  
22 A. I don't have the exact date, but I believe  
23 it was toward the end of 2007.  
24 Q. Okay. And then you were in that role  
25 until you became the legislative budget adviser?

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1 A. Yes.  
2 Q. And when did you become the legislative  
3 budget adviser?  
4 A. In the summer of 2011.  
5 Q. I'm going to ask you a question based on  
6 what I saw on your LinkedIn page or what I thought  
7 was your LinkedIn page, but I might be wrong.  
8 Are you a commissioner with the Ohio  
9 Lottery Commission?  
10 A. Yes.  
11 Q. What is that role?  
12 MS. SACKS: Objection.  
13 BY MR. MOONEY:  
14 Q. What is a commissioner of the Ohio Lottery  
15 Commission?  
16 A. It is a position, a commission set up by  
17 the Ohio Revised code.  
18 Q. And how -- did you apply to be a  
19 commissioner for the Ohio Lottery Commission?  
20 A. Yes.  
21 Q. Okay. Who did you apply to?  
22 A. The governor of the State of Ohio at that  
23 time was Governor Kasich.  
24 Q. And so Governor Kasich appointed you to be  
25 a commissioner for the Ohio Lottery Commission?

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1 A. Yes.  
2 Q. Are there more than one commissioner?  
3 A. Yes.  
4 Q. How many commissioners are there?  
5 A. There are seven --  
6 Q. Seven.  
7 A. -- I guess. I just want to make sure  
8 that's right. Let me do my math, I'm sorry.  
9 Q. That's fine.  
10 A. Seven. We have a vacancy, and it's been  
11 throwing my numbers off. I apologize.  
12 Q. That's fine.  
13 A. I'm not the only one.  
14 Q. Okay. That's enough.  
15 What is the role -- what is your role as a  
16 commissioner? What is your responsibilities, excuse  
17 me, as a commissioner of the Ohio Lottery  
18 Commission?  
19 A. Our main responsibilities include --  
20 excuse me -- approving game rules, new games, and  
21 the VLT -- I don't know if you're familiar with  
22 VLTs -- but VLT theme. They're all themed with  
23 various type of themes, and we approve those as  
24 well.  
25 Q. What is VLT if you know what that stands



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| <p style="text-align: right;">Page 74</p> <p>1 for?</p> <p>2 A. Video lottery terminals.</p> <p>3 Q. Okay. Do you have any responsibility for</p> <p>4 determining how the funds that -- well, I should say</p> <p>5 when someone buys a lottery ticket, does the</p> <p>6 commission for the Ohio Lottery Commission have</p> <p>7 responsibility for those funds?</p> <p>8 A. The Ohio Lottery Commission does.</p> <p>9 Q. Yeah.</p> <p>10 A. The commissioners of the Ohio Lottery</p> <p>11 Commission, not necessarily.</p> <p>12 Q. So do you have any responsibility for</p> <p>13 determining how money of the Ohio Lottery Commission</p> <p>14 receives is then allocated for whatever purposes</p> <p>15 they're allocated for?</p> <p>16 A. Can you try to hone in a little bit on</p> <p>17 that question, please?</p> <p>18 Q. Sure. So someone buys a lottery ticket.</p> <p>19 Some of that money goes to the winning if their</p> <p>20 number is called, right?</p> <p>21 A. Yes.</p> <p>22 Q. And then some of the money the Commission</p> <p>23 keeps and then distributes.</p> <p>24 Is that also right?</p> <p>25 A. That's correct.</p>  | <p style="text-align: right;">Page 76</p> <p>1 A. I don't know.</p> <p>2 Q. How about has the Ohio Lottery Commission</p> <p>3 distributed funds to respond to prescription opioid</p> <p>4 abuse in the State of Ohio, to your knowledge?</p> <p>5 A. I don't know.</p> <p>6 Q. And when did you become one of the</p> <p>7 commissioners on the Ohio Lottery Commission?</p> <p>8 A. I don't remember the exact date.</p> <p>9 Q. Okay. Do you know if it was during</p> <p>10 Governor Kasich's second term, which I think is 2014</p> <p>11 to 2018?</p> <p>12 A. I'm pretty sure it was in the second term.</p> <p>13 Q. Okay. In your previous responsibilities</p> <p>14 as a county employee, as an intern for the Board of</p> <p>15 Commissioners, as a budget analyst for OBM, or as</p> <p>16 the fiscal services manager of the Board of</p> <p>17 Elections, did your job responsibilities touch on</p> <p>18 prescription opioid abuse in Cuyahoga County?</p> <p>19 MS. SACKS: Objection.</p> <p>20 THE WITNESS: I don't remember. I don't</p> <p>21 recall.</p> <p>22 BY MR. MOONEY:</p> <p>23 Q. Did your -- did you have any role in those</p> <p>24 three positions in assisting the county's response</p> <p>25 to heroin abuse?</p> |
| <p style="text-align: right;">Page 75</p> <p>1 Q. Okay. Are the distributions something</p> <p>2 that you as a commissioner have any responsibility</p> <p>3 for overseeing?</p> <p>4 A. Not -- not -- we cannot -- we don't direct</p> <p>5 where money goes.</p> <p>6 Q. Okay. So you can't say, for instance,</p> <p>7 this money should go to education?</p> <p>8 A. No.</p> <p>9 Q. And you can't say that it should go to</p> <p>10 public safety?</p> <p>11 A. No.</p> <p>12 Q. Do you -- do you know who has</p> <p>13 responsibility for determining where the money the</p> <p>14 Commission distributes goes?</p> <p>15 A. Particularly I can tell you the education</p> <p>16 money.</p> <p>17 Q. Okay.</p> <p>18 A. The state legislature as part of their</p> <p>19 budget process tells the Lottery Commission how much</p> <p>20 we are -- our goal for the fiscal year shall be to</p> <p>21 transfer to the education profits fund.</p> <p>22 Q. And does the State Lottery Commission or</p> <p>23 has the State Lottery Commission allocated money to</p> <p>24 respond to heroin abuse in the State of Ohio to your</p> <p>25 knowledge?</p> | <p style="text-align: right;">Page 77</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: I don't remember.</p> <p>3 MR. MOONEY: Okay. Do you want to take a</p> <p>4 quick break? I think we've been going for longer</p> <p>5 than I intended to.</p> <p>6 MS. SACKS: Yes, that's fine.</p> <p>7 MR. MOONEY: Okay.</p> <p>8 THE VIDEOGRAPHER: Off the record, 10:22.</p> <p>9 (Whereupon, a recess was taken</p> <p>10 from 10:22 a m. to 10:36 a m.)</p> <p>11 THE VIDEOGRAPHER: On the record, 10:36.</p> <p>12 BY MR. MOONEY:</p> <p>13 Q. Mr. McAleer, shortly before we took a</p> <p>14 break, you mentioned that you started as the</p> <p>15 legislative budget adviser sometime in the summer of</p> <p>16 2011; is that correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And what are your responsibilities as the</p> <p>19 legislative budget adviser for the Cuyahoga County</p> <p>20 Council?</p> <p>21 A. So there are 11 council members. We have</p> <p>22 a decently small staff, so my responsibilities are</p> <p>23 pretty wide ranging from mundane administrative</p> <p>24 tasks to helping draft legislation from policy ideas</p> <p>25 that council members may have to help assisting and</p>                                 |



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| <p style="text-align: right;">Page 78</p> <p>1 keeping council members apprised of the budget to,<br/> 2 as we previously discussed, attending Board of<br/> 3 Control meetings as alternates to council members.<br/> 4 Q. Are there any other responsibilities that<br/> 5 you can think of sitting here today that you have as<br/> 6 the legislative budget adviser?<br/> 7 A. Not -- I mean, it is -- it's wide range<br/> 8 because, again, we have a small staff.<br/> 9 Q. So if a member has a question or a<br/> 10 project, they might come to you even though it's not<br/> 11 really budget-related; is that right?<br/> 12 A. That's correct.<br/> 13 Q. Let's start with drafting legislation.<br/> 14 What kind of legislation are you<br/> 15 responsible for drafting or have you drafted in the<br/> 16 past?<br/> 17 A. Yes, so, again, we have 11 council<br/> 18 members. They're part-time. So if they have an<br/> 19 idea or concept or policy that they would like to<br/> 20 see considered by their colleagues, they will come<br/> 21 to me, or maybe a co-worker but, you know, I'm one<br/> 22 of the staff members, and say can you -- here are my<br/> 23 ideas, can you draft this.<br/> 24 An example of that is the kind of the<br/> 25 purchasing code that we previously discussed in</p> | <p style="text-align: right;">Page 80</p> <p>1 contract, I would help assist in drafting that<br/> 2 resolution.<br/> 3 Q. You've mentioned board appointments a<br/> 4 couple times.<br/> 5 What boards exist that County Council<br/> 6 approves members for?<br/> 7 A. There are approximately I believe 70 or so<br/> 8 boards.<br/> 9 Q. Okay. That's far too many --<br/> 10 A. Yes.<br/> 11 Q. -- to go through.<br/> 12 Are there sort of categories of boards,<br/> 13 financial boards, nonprofit boards, Metro Health?<br/> 14 A. It's a wide range of boards.<br/> 15 Q. Okay. But does County Council approve<br/> 16 members to the board of trustees of the MetroHealth<br/> 17 Hospital system?<br/> 18 A. They confirm, yes.<br/> 19 Q. And they confirm members that are<br/> 20 nominated by the executive?<br/> 21 A. That's correct.<br/> 22 Q. And how about to the ADAMHS Board, does<br/> 23 the County Council approve members of the ADAMHS<br/> 24 Board?<br/> 25 A. Yes, not all of them.</p>                                                                                                                                                              |
| <p style="text-align: right;">Page 79</p> <p>1 terms of setting up boards, setting up thresholds<br/> 2 and things of that nature. I would assist in help<br/> 3 drafting that type of legislation.<br/> 4 Q. Did you assist in drafting that specific<br/> 5 legislation, the purchasing code?<br/> 6 A. Yes.<br/> 7 Q. Are there any other examples of<br/> 8 legislation that you've helped draft over the years<br/> 9 as a legislative budget adviser?<br/> 10 A. Yes, there's dozens of -- it's a fairly<br/> 11 new government, so not hundreds but dozens of<br/> 12 codified ordinances that I've assisted in.<br/> 13 Q. Have you assisted in drafting any<br/> 14 resolutions of the County Council?<br/> 15 A. A few resolutions.<br/> 16 Q. But fewer resolutions than ordinances?<br/> 17 A. Correct.<br/> 18 Q. And what types of resolutions have you<br/> 19 helped draft?<br/> 20 A. For the most part, the type of resolutions<br/> 21 that I have helped draft would be related to board<br/> 22 appointments. Those are done through resolutions.<br/> 23 So those type of resolutions is what I would<br/> 24 typically draft.<br/> 25 If the County Council enters into its own</p>                                                                                                                      | <p style="text-align: right;">Page 81</p> <p>1 Q. Is there a separate approval process for<br/> 2 one, for members that are not approved by the County<br/> 3 Council?<br/> 4 A. Yes.<br/> 5 Q. And what is that process, if you know?<br/> 6 A. It's done at the state level.<br/> 7 Q. You mentioned that you helped draft the<br/> 8 resolutions approving those members.<br/> 9 Is there a -- are there hearings for<br/> 10 nominees before the County Council?<br/> 11 A. Yes.<br/> 12 Q. And are those appointments, those<br/> 13 nomination meetings, are they before the entire<br/> 14 County Council or a committee of the Council?<br/> 15 A. I don't -- I would say the majority of the<br/> 16 appointments always go to the HR committee.<br/> 17 Q. And who is the chairperson of the HR<br/> 18 committee today, if you know?<br/> 19 A. Councilwoman Shontel Brown.<br/> 20 Q. And how long was Councilwoman Brown served<br/> 21 as the chairperson of the HR committee, if you know?<br/> 22 A. I don't have an exact time frame.<br/> 23 Q. Has she served as the chairperson for the<br/> 24 HR committee for the past four years?<br/> 25 A. I don't know.</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 Q. Do you know if there was or if there has<br/>2 been another chairperson of the HR committee in your<br/>3 time as the legislative budget adviser?<br/>4 A. Yes.<br/>5 Q. And who was that chairperson?<br/>6 A. Councilwoman Yvonne Conwell.<br/>7 Q. And do you attend the HR committee<br/>8 meetings where these appointments are presented to<br/>9 the committee?<br/>10 A. Yes.<br/>11 Q. And what happens or can you walk me<br/>12 through the process of a hearing before the HR<br/>13 committee?<br/>14 A. Yes.<br/>15 Q. Would you please do that.<br/>16 A. Yes. The entire process includes the<br/>17 county executive will nominate an individual to a<br/>18 board. That then gets drafted into legislation, a<br/>19 resolution, that will be given to our clerk of<br/>20 council. Our clerk of council then will put that<br/>21 resolution on a Council agenda, a full Council<br/>22 agenda.<br/>23 That resolution then gets referred to a<br/>24 committee, which in this case is the HR committee.<br/>25 Then the HR committee will meet and have as many</p>                                                                         | <p style="text-align: right;">Page 84</p> <p>1 in the nomination process that you just described?<br/>2 A. Occasionally, yes.<br/>3 Q. And what are those responsibilities?<br/>4 A. I may have to speak at the HR committee<br/>5 meeting to answer a question by the committee, one<br/>6 of the committee members.<br/>7 Q. What types of questions does the council<br/>8 ask of you during these hearings?<br/>9 A. They tend to be high-level. It's not<br/>10 necessarily about the appointee but more about, say,<br/>11 a term, if it's a term, when did it become vacant,<br/>12 how many other seats might be vacant, things of that<br/>13 nature.<br/>14 Q. So you're not being asked to provide a<br/>15 recommendation one way or the other on whether a<br/>16 nominee should be approved by the Council; is that<br/>17 right?<br/>18 A. Not on executive-recommended appointments<br/>19 Q. Okay. On non-executive-recommended<br/>20 appointments, is your role different? Do you -- is<br/>21 your role different?<br/>22 A. Yes.<br/>23 Q. And how is your role different for<br/>24 non-executive appointments?<br/>25 A. There are very few boards that Council</p> |
| <p style="text-align: right;">Page 83</p> <p>1 number of committee meetings that they need. And if<br/>2 it gets -- the HR committee will then vote on to<br/>3 refer that item back to the full council for<br/>4 consideration of the item.<br/>5 Q. And then when it gets to council, is there<br/>6 another hearing?<br/>7 A. There is a committee -- I'm sorry, a<br/>8 council meeting where then the full council would<br/>9 take action on that particular item.<br/>10 Q. And does the nominee for whichever board<br/>11 is currently being considered, does that person<br/>12 usually appear before the full council for an<br/>13 additional hearing?<br/>14 A. No, just at the HR committee typically.<br/>15 Q. Right. There are going to be differences,<br/>16 but in general that's the way it works?<br/>17 A. Correct.<br/>18 Q. And is the process you just described the<br/>19 way that the council has operated since you started<br/>20 as a legislative budget adviser in the summer of<br/>21 2011?<br/>22 A. Yes.<br/>23 Q. And throughout this process, aside from<br/>24 sometimes drafting the resolution for the<br/>25 appointments, do you have any other responsibilities</p> | <p style="text-align: right;">Page 85</p> <p>1 directly appoints versus confirming to certain<br/>2 boards, and I will handle that process along with<br/>3 co-workers of coming up with a recommendation to<br/>4 council members.<br/>5 Q. And which boards exist for the County for<br/>6 which the County Council appoints members as opposed<br/>7 to approving or confirming executive<br/>8 recommendations?<br/>9 A. I don't have an exhaustive list, but one<br/>10 is the Soldiers and Sailors Monument.<br/>11 Q. Can you think of any other examples?<br/>12 A. No.<br/>13 Q. Have you in your time as legislative<br/>14 budget adviser participated in communications with<br/>15 members of the County Council regarding specific<br/>16 appointees to the ADAMHS Board?<br/>17 MS. SACKS: Objection.<br/>18 THE WITNESS: Can you ask that one more<br/>19 time, please.<br/>20 BY MR. MOONEY:<br/>21 Q. Maybe. In your time as the legislative<br/>22 budget adviser, have you been a part of any<br/>23 conversations with members of the County Council<br/>24 regarding appointments to the ADAMHS Board?<br/>25 MS. SACKS: Same objection.</p>                         |

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| <p style="text-align: right;">Page 86</p> <p>1 THE WITNESS: Can you clarify what you</p> <p>2 mean by that question?</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. Sure. So if the executive nominates Jane</p> <p>5 Smith to the ADAMHS Board, have you had any</p> <p>6 conversations with members of Council about whether</p> <p>7 Jane Smith should or should not be confirmed as a</p> <p>8 member of the ADAMHS Board?</p> <p>9 A. Not should or should not.</p> <p>10 Q. Have you had other conversations about</p> <p>11 specific nominees to the ADAMHS Board with members</p> <p>12 of council?</p> <p>13 MS. SACKS: Objection.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. What kinds of conversations have you had</p> <p>17 about nominees to the ADAMHS Board with members of</p> <p>18 the County Council?</p> <p>19 A. It could be questions around, if it's a</p> <p>20 reappointment for a particular individual, when was</p> <p>21 this person first appointed; does this person</p> <p>22 still -- I mean, is the person still working at X</p> <p>23 place just to see if that person's resumé is still</p> <p>24 up to date or things of that nature to get a</p> <p>25 background on that individual person.</p>               | <p style="text-align: right;">Page 88</p> <p>1 A. Yes.</p> <p>2 Q. Have you had any conversations with</p> <p>3 members of County Council about how they make that</p> <p>4 determination of whether or not to vote to approve a</p> <p>5 member or a nominee for the ADAMHS Board?</p> <p>6 MS. SACKS: Objection.</p> <p>7 THE WITNESS: I don't remember.</p> <p>8 BY MR. MOONEY:</p> <p>9 Q. If I wanted to know why a council member</p> <p>10 voted to approve an executive nominee to the ADAMHS</p> <p>11 Board, who would I speak to if you don't know?</p> <p>12 MS. SACKS: Objection.</p> <p>13 THE WITNESS: I don't know who you would</p> <p>14 speak to.</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. Would Mr. Nanni know, the chief of staff?</p> <p>17 Yeah, would Mr. Nanni know?</p> <p>18 A. I don't know.</p> <p>19 MS. SACKS: Objection.</p> <p>20 BY MR. MOONEY:</p> <p>21 Q. Is there a member of the County Council</p> <p>22 staff with responsibility for assisting the council</p> <p>23 members with the nomination process, that is their</p> <p>24 overall responsibility as opposed to that's just</p> <p>25 part of yours?</p> |
| <p style="text-align: right;">Page 87</p> <p>1 Q. Do you know why members of Council vote to</p> <p>2 approve particular members of the ADAMHS Board?</p> <p>3 MS. SACKS: Objection.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Do you know what considerations go into</p> <p>7 members of Council's evaluation of whether or not an</p> <p>8 appointee should or should not be approved as a</p> <p>9 member of the ADAMHS Board?</p> <p>10 A. I don't know.</p> <p>11 Q. Have you had any conversations with</p> <p>12 members of Council about the criteria that they</p> <p>13 apply when evaluating whether or not to approve a</p> <p>14 nominee for a position as an ADAMHS Board member?</p> <p>15 A. Can you ask that --</p> <p>16 Q. I can try.</p> <p>17 Have you had any conversations with</p> <p>18 members of Council about the criteria that they</p> <p>19 apply when evaluating whether or not to approve a</p> <p>20 nominee to the ADAMHS Board?</p> <p>21 A. What do you mean by criteria?</p> <p>22 Q. So a nomination comes before the County</p> <p>23 Council, right, and they -- and the council member</p> <p>24 either says yes, this person should be appointed or</p> <p>25 approved or not, right?</p> | <p style="text-align: right;">Page 89</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: There is for the nomination</p> <p>3 process.</p> <p>4 BY MR. MOONEY:</p> <p>5 Q. Okay. And who is that person?</p> <p>6 A. It's the clerk who clerks the HR</p> <p>7 committee.</p> <p>8 Q. And is there a specific clerk for each of</p> <p>9 the committees?</p> <p>10 A. There is.</p> <p>11 Q. Okay. Do you have any role in drafting</p> <p>12 budget resolutions?</p> <p>13 A. Not original budget resolutions, not the</p> <p>14 introduced budget resolutions.</p> <p>15 Q. Okay. So it sounds like you're making a</p> <p>16 distinction between the original budget resolution</p> <p>17 and then something else.</p> <p>18 Is there a something else?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. What is -- what is that something</p> <p>21 else that you do have responsibility for?</p> <p>22 A. It would be budget amendments to a</p> <p>23 proposed budget resolution.</p> <p>24 Q. Let's start with the budget resolution</p> <p>25 itself, the original one.</p>                                                                              |

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| <p style="text-align: right;">Page 90</p> <p>1 Who has responsibility for drafting that</p> <p>2 resolution?</p> <p>3 A. I don't know who drafts the budget, the</p> <p>4 original budget resolution.</p> <p>5 Q. Is there a particular department in the</p> <p>6 executive's office that drafts the resolution?</p> <p>7 A. There's -- there's a particular department</p> <p>8 that's in charge of creating the contents of the</p> <p>9 resolution. I don't know who drafts it.</p> <p>10 Q. Okay. And who is the department in charge</p> <p>11 of creating the contents of the resolution?</p> <p>12 A. Office of Budget and Management.</p> <p>13 Q. And so OBM puts together the contents of a</p> <p>14 resolution, someone creates the resolution itself,</p> <p>15 and then it goes to the County Council; is that</p> <p>16 right?</p> <p>17 A. It eventually comes to the County Council.</p> <p>18 Q. Okay. And then there's a budget</p> <p>19 amendment. There's a budget amendment.</p> <p>20 What's that?</p> <p>21 A. So if there is the budget resolution</p> <p>22 that's introduced to the County Council, the County</p> <p>23 Council goes through the budget process, which can</p> <p>24 take up to anywhere between three months, up to</p> <p>25 three months; and council members have in the past</p> | <p style="text-align: right;">Page 92</p> <p>1 apprised of the budget process.</p> <p>2 What does that responsibility entail?</p> <p>3 A. So that includes ensuring that they have</p> <p>4 all the necessary information that we receive from</p> <p>5 the various directors, departments, and any other</p> <p>6 additional information that OBM might need to submit</p> <p>7 as supplemental material to the proposed budget</p> <p>8 resolution and ensuring that council members are</p> <p>9 receiving that information.</p> <p>10 Q. And so is it your role to sort of</p> <p>11 interface between the County Council and the</p> <p>12 executive's administration on matters relating to</p> <p>13 the budget?</p> <p>14 A. Yes.</p> <p>15 Q. Other than ensuring that the County</p> <p>16 Council has the information they need, are there</p> <p>17 other responsibilities that you have as the</p> <p>18 legislative budget adviser that sort of fall under</p> <p>19 the umbrella of keeping the Council apprised of the</p> <p>20 budget?</p> <p>21 A. Could you clarify that, what you mean by</p> <p>22 that?</p> <p>23 Q. Sure. I can try.</p> <p>24 So after the budget is passed, do you have</p> <p>25 any role in keeping the Council apprised of how the</p> |
| <p style="text-align: right;">Page 91</p> <p>1 amended the proposed budget.</p> <p>2 Q. And then so if a council member wants to</p> <p>3 amend the proposed budget, it would come to you to</p> <p>4 draft the amendment?</p> <p>5 A. Yes.</p> <p>6 Q. And is that amendment a separate</p> <p>7 resolution or something else?</p> <p>8 A. It could be -- it could be.</p> <p>9 Q. So it could be a separate resolution. And</p> <p>10 is the alternative that you would just enter into</p> <p>11 the Word document and change a number?</p> <p>12 A. No.</p> <p>13 Q. So what's the other way that there could</p> <p>14 be an amendment if not as a separate resolution?</p> <p>15 A. It could be an Excel spreadsheet with the</p> <p>16 proposed amendments that then the council would take</p> <p>17 action on those proposed amendments. It could be a</p> <p>18 writeup spelling out what the amendment would be,</p> <p>19 and they could adopt those amendments that way.</p> <p>20 Q. And for each of these options for the</p> <p>21 amendment, it would be your responsibility to create</p> <p>22 that document; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. You also mentioned that your</p> <p>25 responsibilities include keeping the County Council</p>                                                       | <p style="text-align: right;">Page 93</p> <p>1 executive is performing in relation to the approved</p> <p>2 budget?</p> <p>3 MS. SACKS: Objection.</p> <p>4 THE WITNESS: I don't know what you mean</p> <p>5 by "how the executive is performing."</p> <p>6 BY MR. MOONEY:</p> <p>7 Q. So the ADAMHS Board, I'm just using them</p> <p>8 as an example, the ADAMHS Board gets \$100,000, and</p> <p>9 they're supposed to be spending \$50,000 on</p> <p>10 personnel.</p> <p>11 Is it your responsibility to keep the</p> <p>12 council members apprised of whether or not the</p> <p>13 ADAMHS Board is spending money consistent with the</p> <p>14 money that was allocated in the budget or if they've</p> <p>15 gone over, they're actually going to spend \$55,000</p> <p>16 on personnel? Is that within your wheelhouse as the</p> <p>17 legislative budget adviser?</p> <p>18 A. There I think is a little misunderstanding</p> <p>19 on how the ADAMHS Board in particular is funding</p> <p>20 versus other agencies.</p> <p>21 Q. Okay. Pick a different one that's sort of</p> <p>22 more in line.</p> <p>23 A. So like an executive -- administrative</p> <p>24 department of development.</p> <p>25 Q. Sure, great.</p>                                             |

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| <p style="text-align: right;">Page 94</p> <p>1 A. We get monthly projections from the Office<br/>2 of Budget and Management on how they are performing.<br/>3 Q. And when you say "we," who do you mean by<br/>4 that?<br/>5 A. Typically it will come to me, and<br/>6 sometimes council members are on it. I will make<br/>7 sure council members have it from there if they're<br/>8 not on the notification.<br/>9 Q. Okay. And so once you've ensured that the<br/>10 council members have the monthly reports from the<br/>11 administrative agencies, do you communicate with the<br/>12 council members about those documents at all?<br/>13 A. Sometimes, yes.<br/>14 Q. Okay. And what kinds of conversations do<br/>15 you have with the members of Council about those<br/>16 monthly budget reports?<br/>17 A. It could vary from month to quarter in<br/>18 terms of if something sticks out from the report,<br/>19 just things that I want to make sure is on the<br/>20 council members' radar.<br/>21 Q. So is it correct that you review the<br/>22 reports to look for things that stick out?<br/>23 MS. SACKS: Objection.<br/>24 THE WITNESS: The monthly -- the monthly<br/>25 reports.</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. You mentioned earlier that members will<br/>2 come to you or other members of the council staff<br/>3 with policy ideas; is that correct?<br/>4 A. Yes.<br/>5 Q. And they'll sometimes ask that the staff<br/>6 implement or draft legislation to implement those<br/>7 policy ideas?<br/>8 A. Yes.<br/>9 Q. In your time as the legislative budget<br/>10 adviser, has any member of the County Council come<br/>11 to you and asked for your assistance in drafting<br/>12 legislation to respond to prescription opioid abuse<br/>13 in Cuyahoga County?<br/>14 MS. SACKS: Objection.<br/>15 THE WITNESS: Can you ask that -- can you<br/>16 rephrase that question, please?<br/>17 BY MR. MOONEY:<br/>18 Q. Was there a particular part of the<br/>19 question that you found confusing?<br/>20 A. Because when I was talking about a policy<br/>21 getting drafted to legislation, I was referring to<br/>22 codified ordinances, and I don't believe that's what<br/>23 you're asking. I don't believe that's what you're<br/>24 seeking.<br/>25 Q. So okay. Are there any codified</p>                                                                                                          |
| <p style="text-align: right;">Page 95</p> <p>1 BY MR. MOONEY:<br/>2 Q. Okay.<br/>3 A. Or quarterly reports.<br/>4 Q. And what do you mean by things that stick<br/>5 out in those monthly or quarterly reports?<br/>6 A. An example of that could be if our sales<br/>7 tax revenue is down 3 percent from what was<br/>8 originally projected, that's a significant variance,<br/>9 is that going to be a trend or is that going to --<br/>10 is this a one-time problem, things like that.<br/>11 Q. So do you in your role as the legislative<br/>12 budget adviser work to create sort of trend reports<br/>13 that show the changes in sales tax over time?<br/>14 A. I track sales tax. I don't create. I<br/>15 don't create the reports that are sent to us.<br/>16 Q. Okay. And so if there were a report that<br/>17 tracked historical sales tax revenue, that would<br/>18 come from OBM?<br/>19 A. Historical sales tax, yes. I personally<br/>20 also as my duty keep track of monthly sales tax<br/>21 reports dating back for years.<br/>22 Q. But you don't create a separate document?<br/>23 A. I do not.<br/>24 Q. You just keep eyeballing it?<br/>25 A. Yes.</p>                            | <p style="text-align: right;">Page 97</p> <p>1 ordinances that you're aware of that were enacted by<br/>2 the County Council that relate to prescription<br/>3 opioid abuse?<br/>4 A. Not codified ordinances.<br/>5 Q. Are there resolutions that relate to<br/>6 prescription opioid abuse in Cuyahoga County that<br/>7 the County Council has enacted?<br/>8 A. There have been budget amendments to<br/>9 budgets related to the issue.<br/>10 Q. And when you say "related to the issue,"<br/>11 what do you mean by that?<br/>12 A. The ADAMHS Board as well as other<br/>13 departments have come to the County Council and have<br/>14 talked to us about increased areas where they're<br/>15 seeing that they would request additional resources<br/>16 to help combat the issue.<br/>17 Q. And when you say "the issue," what do you<br/>18 mean by that?<br/>19 A. They would talk about the -- they would<br/>20 use the terms "opiate crisis," "the prescription<br/>21 drug issue." They are the ones coming to us asking<br/>22 us for resources based on that.<br/>23 Q. When these departments or ADAMHS Board<br/>24 have come and asked for additional resources to<br/>25 combat the issue, have they also described the issue</p> |



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| <p style="text-align: right;">Page 98</p> <p>1 as one involving heroin abuse?</p> <p>2 MS. SACKS: Objection.</p> <p>3 THE WITNESS: I don't remember.</p> <p>4 BY MR. MOONEY:</p> <p>5 Q. Has the issue that you mentioned, has that</p> <p>6 ever been described as a fentanyl issue?</p> <p>7 MS. SACKS: Objection.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 BY MR. MOONEY:</p> <p>10 Q. What -- what resources have -- has the</p> <p>11 ADAMHS Board requested to respond or to combat the</p> <p>12 opiate crisis?</p> <p>13 MS. SACKS: Objection.</p> <p>14 THE WITNESS: Can you clarify what you</p> <p>15 mean by that?</p> <p>16 BY MR. MOONEY:</p> <p>17 Q. Sure. You said the budget -- the ADAMHS</p> <p>18 Board as well as other departments have come to the</p> <p>19 County Council and have talked about the increased</p> <p>20 areas where they're seeing that they would request</p> <p>21 additional resources to help combat the issue.</p> <p>22 Right?</p> <p>23 A. Yes.</p> <p>24 Q. And then I said what is the issue, and you</p> <p>25 said it's been described as an opiate crisis.</p>                                                                                                                                                                              | <p style="text-align: right;">Page 100</p> <p>1 hearings in the fall of 2017?</p> <p>2 MS. SACKS: Objection.</p> <p>3 THE WITNESS: I don't remember.</p> <p>4 BY MR. MOONEY:</p> <p>5 Q. Okay. When was the -- what was the budget</p> <p>6 process that occurred before the fall of 2017?</p> <p>7 A. It would have been the fall of 2015 for</p> <p>8 the 2016-'17 biennial budget.</p> <p>9 Q. Okay. And did the ADAMHS Board come to</p> <p>10 the County Council asking for dollars for various</p> <p>11 programs seeking help and assistance from the County</p> <p>12 Council to increase their subsidy to respond to the</p> <p>13 opioid crisis in these fall of 2015 budget hearings?</p> <p>14 MS. SACKS: Objection.</p> <p>15 THE WITNESS: I don't know if it was</p> <p>16 during that budget hearing.</p> <p>17 BY MR. MOONEY:</p> <p>18 Q. Okay. Before the fall of 2015, when was</p> <p>19 the budget process before that?</p> <p>20 A. I don't have an exact date, but it would</p> <p>21 have -- if the biennial budget process was in place,</p> <p>22 because for a couple years we did single-year</p> <p>23 budgets, then we moved to a biennial budget process,</p> <p>24 if it was a biennial budget process, it would have</p> <p>25 been the fall of 2013.</p> |
| <p style="text-align: right;">Page 99</p> <p>1 So my question is, what resources has the</p> <p>2 ADAMHS Board requested of the County Council?</p> <p>3 A. So they have come to other -- they have</p> <p>4 come to us asking for millions of dollars for</p> <p>5 various programs seeking some help and assistance</p> <p>6 from the County Council to increase their subsidy.</p> <p>7 Q. And when did the ADAMHS Board come to the</p> <p>8 County Council asking for millions of dollars for</p> <p>9 various programs seeking some help and assistance</p> <p>10 from the County Council to increase their subsidy?</p> <p>11 A. They've come multiple times.</p> <p>12 Q. Okay.</p> <p>13 A. I don't have exact dates, but they've come</p> <p>14 multiple times.</p> <p>15 Q. Do they come as part of during the</p> <p>16 budgeting process?</p> <p>17 A. For the most part, they've come during the</p> <p>18 budget hearing process.</p> <p>19 Q. Okay. And so when was the most recent</p> <p>20 budget hearing process?</p> <p>21 A. It was the fall of 2017 for the 2018-'19</p> <p>22 biennial budget.</p> <p>23 Q. And the ADAMHS Board asked for money to</p> <p>24 increase the services they could provide to respond</p> <p>25 to the opiate crisis at this hearing -- these</p> | <p style="text-align: right;">Page 101</p> <p>1 Q. Even if it were an annual budget process,</p> <p>2 would there have been hearings in the fall of 2013?</p> <p>3 A. Similar time frame, yes.</p> <p>4 Q. So in the fall of 2013, did members of the</p> <p>5 ADAMHS Board come before County Council asking for</p> <p>6 money to increase the services they could provide to</p> <p>7 respond to the opiate crisis?</p> <p>8 MS. SACKS: Objection.</p> <p>9 THE WITNESS: I don't remember if it was</p> <p>10 the fall of 2013.</p> <p>11 BY MR. MOONEY:</p> <p>12 Q. Okay. So what kinds of services were --</p> <p>13 did the members of the ADAMHS Board who spoke to</p> <p>14 County Council say they wanted to provide to respond</p> <p>15 to the opiate crisis, if you know?</p> <p>16 MS. SACKS: Objection.</p> <p>17 THE WITNESS: I don't know specifically</p> <p>18 what type of services. I know that they would come</p> <p>19 asking for money.</p> <p>20 BY MR. MOONEY:</p> <p>21 Q. And as part of that process -- strike</p> <p>22 that.</p> <p>23 Understanding that you don't remember when</p> <p>24 these conversations occurred, is it your belief that</p> <p>25 the ADAMHS Board would have provided some kind of</p>                                          |



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| <p style="text-align: right;">Page 102</p> <p>1 information about the types of services they wanted<br/> 2 to provide to respond to the opiate crisis for which<br/> 3 they sought additional funding?<br/> 4 A. Yes, they would provide information.<br/> 5 Q. And when you say the ADAMHS Board was<br/> 6 requesting funding, was it funding specifically<br/> 7 related to the opiate crisis?<br/> 8 MS. SACKS: Objection.<br/> 9 THE WITNESS: It would be for mental<br/> 10 health services and addiction services.<br/> 11 BY MR. MOONEY:<br/> 12 Q. Which includes opiate addiction, right?<br/> 13 A. I don't know for sure.<br/> 14 Q. But it --<br/> 15 A. I mean, it --<br/> 16 Q. Probably?<br/> 17 A. It was listed in their services, but I<br/> 18 couldn't tell you what type of services.<br/> 19 Q. But there are services the ADAMHS Board<br/> 20 provides that are unrelated to opiate addiction?<br/> 21 MS. SACKS: Objection.<br/> 22 THE WITNESS: There are mental health<br/> 23 services and other services provided.<br/> 24 BY MR. MOONEY:<br/> 25 Q. And so when the ADAMHS Board asks for</p>                                                                                                                                                                | <p style="text-align: right;">Page 104</p> <p>1 Do you know whether in requesting<br/> 2 additional funding the ADAMHS Board distinguishes<br/> 3 between heroin abuse and prescription opioid abuse?<br/> 4 A. I don't know.<br/> 5 Q. All right. Turning to the department<br/> 6 directors asking for additional funding, which<br/> 7 departments have asked for additional funding of the<br/> 8 County Council to respond to the opioid issue?<br/> 9 A. So in terms of individual departments that<br/> 10 we've heard that is putting a strain on their<br/> 11 budgets include the Department of Children and<br/> 12 Family Services with the number of kids that are in<br/> 13 county custody because they -- the child, sometimes<br/> 14 babies, have lost one of their parents or both of<br/> 15 their parents to the issue.<br/> 16 They -- we have heard from our county<br/> 17 sheriff's department about the number of inmates<br/> 18 that are being taken into the jail custody. That<br/> 19 number of inmates has skyrocketed over the years.<br/> 20 We have heard from our Medical Examiner's<br/> 21 Office in terms of something as simple as the<br/> 22 increased number of transportation, body<br/> 23 transportation contract that they had to increase<br/> 24 because of this.<br/> 25 And we've heard from the MetroHealth</p> |
| <p style="text-align: right;">Page 103</p> <p>1 additional funding, do they -- did the members of<br/> 2 the ADAMHS Board identify how much of that<br/> 3 additional funding would go to opiate addiction as<br/> 4 opposed to some other purpose?<br/> 5 A. I don't remember.<br/> 6 Q. Is it your experience that when the ADAMHS<br/> 7 Board provides funding requests they would<br/> 8 distinguish between services for opiate addiction<br/> 9 versus other services the ADAMHS Board might<br/> 10 provide?<br/> 11 A. The ADAMHS Board would lay out pretty<br/> 12 detailed what their request for additional funding<br/> 13 would be for.<br/> 14 Q. Okay. Aside from the ADAMHS Board, which<br/> 15 other departments have come before the County<br/> 16 Council requesting additional resources to combat<br/> 17 the issue of prescription drug abuse?<br/> 18 A. So in terms of specific requests, I can't<br/> 19 specifically pinpoint to one request, but we've<br/> 20 heard from various department directors of the type<br/> 21 of challenges and issues and increased costs that<br/> 22 they're seeing within their departments because of<br/> 23 the issue.<br/> 24 Q. Okay. Before we go there, I want to<br/> 25 circle back on the ADAMHS Board piece.</p> | <p style="text-align: right;">Page 105</p> <p>1 Hospital just in terms of the Project DAWN and other<br/> 2 areas that they are using or that they have tried to<br/> 3 combat the issue.<br/> 4 Those are the specific examples that I can<br/> 5 recall right now.<br/> 6 Q. Okay. So we have Child and Family<br/> 7 Services, the sheriff's department, medical examiner<br/> 8 and MetroHealth, and then the ADAMHS Board?<br/> 9 A. And the ADAMHS Board, yes, sir.<br/> 10 Q. Are there any other departments sitting<br/> 11 here today that you can recall coming before the<br/> 12 County Council and requesting funding to respond to<br/> 13 the opioid issue?<br/> 14 A. Not that I can recall specifically that<br/> 15 have come and requested money to that, but I will<br/> 16 say that all of our departments at the County are<br/> 17 impacted in some form or fashion because we only<br/> 18 have so much money. We can't print money.<br/> 19 So if we do have to increase different<br/> 20 departments, that's got to come from somewhere.<br/> 21 Q. So when you say that all departments are<br/> 22 impacted in some form or fashion, are you -- you're<br/> 23 referring to there's a finite pot of money that the<br/> 24 county can allocate, and if you're spending money on<br/> 25 X you can't spend it on Y; is that right?</p> |

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| <p style="text-align: right;">Page 106</p> <p>1 A. Correct. There's only so much money.<br/> 2 Q. Okay. Are there any other impacts that<br/> 3 all of the departments are experiencing because of<br/> 4 the opioid crisis?<br/> 5 A. I will say I just thought of another<br/> 6 department based off your question would be child<br/> 7 support, where we have heard that the amount of<br/> 8 money that are being collected owed due to child<br/> 9 support has gone down because of the issue.<br/> 10 So now that doesn't financially impact the<br/> 11 county general fund or the Health and Human Services<br/> 12 levy, but that impacts other people who are<br/> 13 dependent on that type of money.<br/> 14 So that has -- that department has been<br/> 15 impacted as well.<br/> 16 Q. Okay. Do you know if the County is<br/> 17 seeking unpaid child support due to the opioid<br/> 18 crisis as part of this lawsuit?<br/> 19 MS. SACKS: Objection.<br/> 20 THE WITNESS: I don't know.<br/> 21 BY MR. MOONEY:<br/> 22 Q. Circling back to the Child and Family<br/> 23 Services department, let's start there, when did<br/> 24 Child and Family Services inform the County Council<br/> 25 that its costs were increasing because of increased</p> | <p style="text-align: right;">Page 108</p> <p>1 Q. Do you know if anyone on the County<br/> 2 Council has that information?<br/> 3 A. I don't know.<br/> 4 Q. Is there a particular committee of the<br/> 5 County Council that has responsibility or would have<br/> 6 heard this information from Child and Family<br/> 7 Services?<br/> 8 A. There is a Health and Human Services<br/> 9 committee, but as I previously talked about, the<br/> 10 monthly or quarterly reports, that is from a<br/> 11 budgetary perspective. And those reports provided<br/> 12 data of the average number of kids in custody.<br/> 13 So that would have been included in those<br/> 14 reports, and if you look over the years, you can see<br/> 15 an increase.<br/> 16 Q. Has any member of the County Council<br/> 17 received those reports from Child and Family<br/> 18 Services that show an increase in the number of<br/> 19 children in custody?<br/> 20 A. Those reports would have been initiated by<br/> 21 the Office of Budget and Management.<br/> 22 Q. And then provided to you?<br/> 23 A. Yes.<br/> 24 Q. And then you would have seen that the<br/> 25 members of County Council received that report?</p> |
| <p style="text-align: right;">Page 107</p> <p>1 numbers of kids in custody because of the opioid<br/> 2 crisis?<br/> 3 A. I can't give you an exact date. I don't<br/> 4 know the exact date.<br/> 5 Q. Was it part of the 2017 budget hearing<br/> 6 process?<br/> 7 A. I don't know.<br/> 8 Q. Was it part of the 2015 budget hearing<br/> 9 process?<br/> 10 A. I don't know.<br/> 11 Q. Was it part of the 2013 budget hearing<br/> 12 process?<br/> 13 A. I don't know.<br/> 14 Q. Okay. When the County -- when Child and<br/> 15 Family Services informed the County Council that it<br/> 16 was seeing an increase in the number of kids who<br/> 17 were in custody due to the opioid crisis, did the<br/> 18 individuals who provided that information<br/> 19 distinguish between overdoses of prescription<br/> 20 opioids and overdoses of heroin?<br/> 21 A. I don't know.<br/> 22 Q. Do you know, do you know what percentage<br/> 23 of children are in child custody now because of<br/> 24 issues related to prescription opioid abuse?<br/> 25 A. I don't know.</p>                                                                                                                                                                                   | <p style="text-align: right;">Page 109</p> <p>1 A. Yes.<br/> 2 Q. Has any member of County Council after<br/> 3 they received the report come back to you and asked<br/> 4 any questions about the report?<br/> 5 MS. SACKS: Objection.<br/> 6 THE WITNESS: Any questions about the<br/> 7 report? Is that what you're asking?<br/> 8 BY MR. MOONEY:<br/> 9 Q. About the reasons for the increase in the<br/> 10 number of children in custody.<br/> 11 A. I don't know about the reasons.<br/> 12 Q. Okay.<br/> 13 A. We've talked about the number of kids in<br/> 14 custody and what that does to, say, overtime and<br/> 15 things of that nature but not the specific reasons.<br/> 16 Q. Okay. Are there any other costs that the<br/> 17 Child and Family Services department has informed<br/> 18 you or members of Council that have increased<br/> 19 because of the opioid crisis in Cuyahoga County?<br/> 20 A. Except for the overtime, I mean --<br/> 21 Q. So the overtime and the number of children<br/> 22 in custody have increased the costs to Child and<br/> 23 Family Services?<br/> 24 A. I don't recall any other.<br/> 25 Q. Okay. And when the information -- when --</p>                 |

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| <p style="text-align: right;">Page 110</p> <p>1 do you have an understanding of how much of that</p> <p>2 overtime increase is due to prescription opioid</p> <p>3 abuse as compared to heroin abuse?</p> <p>4 A. I don't know.</p> <p>5 Q. When Child and Family Services asked for</p> <p>6 additional funding to respond to the opioid issues</p> <p>7 the County faces, did the County Council approve</p> <p>8 that funding?</p> <p>9 MS. SACKS: Objection.</p> <p>10 THE WITNESS: It wasn't -- just going back</p> <p>11 to the process where the administration provides a</p> <p>12 recommended budget. There have been times</p> <p>13 throughout the budget process where County Council</p> <p>14 has during the budget hearings increased DCFS's</p> <p>15 budget.</p> <p>16 BY MR. MOONEY:</p> <p>17 Q. Okay. Above what the executive's</p> <p>18 recommended budget was?</p> <p>19 A. Yes.</p> <p>20 Q. And the reason -- and did the members of</p> <p>21 the County Council explain why they were increasing</p> <p>22 the Child and Family Services budget above what was</p> <p>23 requested from the county executive?</p> <p>24 A. One particular example is increase -- they</p> <p>25 increased the number of social workers because the</p> | <p style="text-align: right;">Page 112</p> <p>1 amount that CFS would receive?</p> <p>2 A. I don't have that number.</p> <p>3 Q. You mentioned that the sheriff's</p> <p>4 department has asked for additional funding of the</p> <p>5 County Council because of the number of inmates that</p> <p>6 have -- in custody that have I believe you used the</p> <p>7 word "skyrocketed" over the years; is that right?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. And when you say the number of</p> <p>10 inmates in custody has skyrocketed, that's because</p> <p>11 of prescription opioid abuse?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. It's just that there are more</p> <p>14 people going to jail now than there were at some</p> <p>15 point in the past?</p> <p>16 A. There are more inmates in custody at the</p> <p>17 Cuyahoga County Sheriff's Office.</p> <p>18 Q. And when did the sheriff's department</p> <p>19 inform the Cuyahoga County Council that it needed</p> <p>20 additional funding to respond to the increase in the</p> <p>21 number of inmates in custody?</p> <p>22 A. Similar to DCFS, typically on the monthly</p> <p>23 or quarterly OBM reports that we receive, it also</p> <p>24 tracks the average daily population over time. And</p> <p>25 it's been an increasing issue with the number of</p> |
| <p style="text-align: right;">Page 111</p> <p>1 caseload sizes for the social workers were</p> <p>2 unmanageable.</p> <p>3 Q. And as part of that -- sorry.</p> <p>4 When did that increased number of social</p> <p>5 workers occur?</p> <p>6 A. I don't have the exact budget time frame.</p> <p>7 Q. Sure. And was part of the reason that the</p> <p>8 number of social workers was so low because Child</p> <p>9 and Family Services had to reduce the number of</p> <p>10 social workers it had as a result of the economic</p> <p>11 recession in 2008?</p> <p>12 MS. SACKS: Objection.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MR. MOONEY:</p> <p>15 Q. Was there any explanation provided by the</p> <p>16 members of Child and Family Services that they were</p> <p>17 understaffed because of a large reduction in force</p> <p>18 arising out of the economic conditions of The Great</p> <p>19 Recession?</p> <p>20 MS. SACKS: Objection.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MR. MOONEY:</p> <p>23 Q. Do you know how many social workers were</p> <p>24 employed by Child and Family Services before the</p> <p>25 County Council amended the budget to increase the</p>                                                    | <p style="text-align: right;">Page 113</p> <p>1 inmates per year on average that are there every</p> <p>2 day. It's gone up year over year.</p> <p>3 So you can see correlation, again similar</p> <p>4 to DCFS, overtime increased costs because of the</p> <p>5 number of inmates that are there and number of staff</p> <p>6 you need there, and you can see that number going up</p> <p>7 over the same time frame of the number of children</p> <p>8 have gone up for DCFS.</p> <p>9 Q. And does the monthly reports that you're</p> <p>10 referring to distinguish between inmates that are in</p> <p>11 custody because of prescription opioid abuse as</p> <p>12 opposed to some other reason?</p> <p>13 A. No.</p> <p>14 Q. Do you know which -- how -- what</p> <p>15 percentage of the inmates in custody of the</p> <p>16 sheriff's department are there as a result of opioid</p> <p>17 abuse?</p> <p>18 A. I don't know.</p> <p>19 Q. How about of heroin abuse?</p> <p>20 A. I don't know.</p> <p>21 Q. For people who have been arrested for</p> <p>22 possession of heroin?</p> <p>23 A. I don't know.</p> <p>24 Q. People who have been arrested for</p> <p>25 possession of prescription opioids?</p>                                                                                                                          |

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| <p style="text-align: right;">Page 114</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. Is that information that's provided</p> <p>3 to members of County Council --</p> <p>4 MS. SACKS: Objection.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. -- to your knowledge?</p> <p>7 A. I don't know.</p> <p>8 Q. And when did the sheriff's department</p> <p>9 request additional funding from the County Council</p> <p>10 because of inmate increases in their custody?</p> <p>11 A. It could either be increasing money mainly</p> <p>12 because of overtime or if other departments had to</p> <p>13 go through budget reductions where they could not</p> <p>14 take -- similar to DCFS, where they could not absorb</p> <p>15 a budget reduction.</p> <p>16 So other departments might have gotten</p> <p>17 reduced, not necessarily the sheriff might have seen</p> <p>18 more money, but we were unable to reduce their</p> <p>19 budget because of the issue. And that has happened</p> <p>20 over the same time frame as DCFS. Over the last</p> <p>21 budgets we were unable to do that.</p> <p>22 Q. Sure. So in the fall of 2017, did this</p> <p>23 issue arise of the sheriff having an increased</p> <p>24 number of inmates due to or in their custody?</p> <p>25 MS. SACKS: Objection.</p> | <p style="text-align: right;">Page 116</p> <p>1 we've sort of been using the terminology "additional</p> <p>2 funding," but then you mentioned that the sheriff's</p> <p>3 department may not have seen additional funding. It</p> <p>4 may have actually just seen a level budget while</p> <p>5 other budgets had to be decreased because, in your</p> <p>6 understanding, there's a finite amount of money, and</p> <p>7 the revenue might have been low, and so the</p> <p>8 sheriff's department got to keep everything, but</p> <p>9 other people saw reductions; is that right?</p> <p>10 A. Correct.</p> <p>11 Q. So my question is, when describing the</p> <p>12 Child and Family Services request for funding, were</p> <p>13 they requesting additional funding, or was it a</p> <p>14 request to remain level?</p> <p>15 A. In the social worker example that I said</p> <p>16 where council members provided additional social</p> <p>17 workers, that's something that was done after the</p> <p>18 resolution was introduced.</p> <p>19 Q. Okay. Are there other examples that you</p> <p>20 can think of in the Child and Family Services budget</p> <p>21 where after the OBM resolution was introduced the</p> <p>22 council determined that it would amend the</p> <p>23 resolution to add additional funding to respond to</p> <p>24 the prescription opioid issue in Cuyahoga County?</p> <p>25 A. On top of the social workers, it related</p> |
| <p style="text-align: right;">Page 115</p> <p>1 THE WITNESS: I don't know.</p> <p>2 BY MR. MOONEY:</p> <p>3 Q. How about in the fall of 2015 during that</p> <p>4 budgeting process, did the sheriff's department</p> <p>5 request funding to respond to the increase in the</p> <p>6 number of inmates in their custody?</p> <p>7 A. I don't know.</p> <p>8 Q. What about in the fall of 2013 during that</p> <p>9 budgeting process, did the sheriff's department</p> <p>10 request additional funding for responding to the</p> <p>11 increase in the number of inmates in their custody?</p> <p>12 A. I don't know.</p> <p>13 Q. And just to make sure that you and I are</p> <p>14 on the same page in how we're describing this of</p> <p>15 increased resources, is it that the executive has</p> <p>16 recommended that the budgets be increased, or is it</p> <p>17 that the Council is considering amending the</p> <p>18 recommended budget to add additional funds on top of</p> <p>19 what the budget -- the recommended budget already</p> <p>20 has in it?</p> <p>21 MS. SACKS: Objection.</p> <p>22 THE WITNESS: What do you mean in terms</p> <p>23 of -- because can you --</p> <p>24 BY MR. MOONEY:</p> <p>25 Q. Yes. I realized while you were talking</p>               | <p style="text-align: right;">Page 117</p> <p>1 to originally when one budget was introduced there</p> <p>2 was a belief that over time it could be reduced, so</p> <p>3 that was a budget reduction. During the budget</p> <p>4 hearings, I think they, they collectively, it wasn't</p> <p>5 just Council but Council had to amend the budget,</p> <p>6 but the overtime goals that were in the proposed</p> <p>7 budget wouldn't be met, couldn't be met, the</p> <p>8 reduction. So there had to be an increase there as</p> <p>9 well.</p> <p>10 Q. Okay. When OBM provides the budget to you</p> <p>11 and then it gets to the Council, do you have any</p> <p>12 input in the development of the OBM budget?</p> <p>13 A. You're talking about the biennial budget?</p> <p>14 Q. Yes. Or does it just sort of come to you</p> <p>15 as a finished product that gets the council members</p> <p>16 involved and the process going?</p> <p>17 A. In most cases, prior to introduction there</p> <p>18 are some discussions going back and forth about what</p> <p>19 is going to be introduced.</p> <p>20 Q. And what are those discussions or what do</p> <p>21 those discussions entail?</p> <p>22 A. Particularly focused on if there are</p> <p>23 reductions in departments' budgets, more as an FYI,</p> <p>24 or here is a program that we haven't funded before</p> <p>25 that we would like to fund, a new initiative or</p>                            |

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| <p style="text-align: right;">Page 118</p> <p>1 program. That would be included in the budget.</p> <p>2 Q. So are these more informational meetings</p> <p>3 so that you know what's coming down the pike for the</p> <p>4 members of Council?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any role in determining how</p> <p>7 much money the executive's budget will recommend for</p> <p>8 any particular department in the Cuyahoga County</p> <p>9 government?</p> <p>10 A. Not in the recommendation.</p> <p>11 Q. The way you answered that makes me think</p> <p>12 you might play a role in some other part of the</p> <p>13 budgeting process in recommending how much</p> <p>14 departments receive.</p> <p>15 Is that true?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What role do you play in that</p> <p>18 process?</p> <p>19 A. That would be during the budget amendment</p> <p>20 process where Council, as we talked about, would</p> <p>21 make amendments to the budget.</p> <p>22 Q. Okay. And what is your involvement in</p> <p>23 that process?</p> <p>24 A. I would help assist in creating the budget</p> <p>25 amendments for the council members, working with OBM</p>                   | <p style="text-align: right;">Page 120</p> <p>1 Is that right?</p> <p>2 A. No.</p> <p>3 Q. No, okay. Where am I wrong about that?</p> <p>4 A. The biennial budget goes to the Committee</p> <p>5 of the Whole, so that is an example.</p> <p>6 Q. And what's the Committee of the Whole?</p> <p>7 A. It's all 11 members that meet. It's not a</p> <p>8 council meeting, so they can't officially approve</p> <p>9 anything or adopt anything out of the Committee of</p> <p>10 the Whole. They still have to refer it out of</p> <p>11 Committee of the Whole to the full council.</p> <p>12 So the biennial process happens during the</p> <p>13 Committee of the Whole process.</p> <p>14 Q. I see. Is there -- who's the chair of the</p> <p>15 Committee of the Whole?</p> <p>16 A. For most Committee of the Wholes it's the</p> <p>17 council president, but for the budget process the</p> <p>18 chair of the finance committee will chair the</p> <p>19 Committee of the Whole.</p> <p>20 Q. Okay. So for the budget processes, at</p> <p>21 least as long as Dale Miller has been the chair of</p> <p>22 the Department of Finance, he has been the chair for</p> <p>23 the budget process, right?</p> <p>24 A. Of the Committee of the Whole, yes.</p> <p>25 Q. Okay. And so who was the chair of the</p> |
| <p style="text-align: right;">Page 119</p> <p>1 to -- kind of reverse of giving them a heads up that</p> <p>2 this is what Council is going to do during the</p> <p>3 amendment process, during those budget hearings.</p> <p>4 Q. And do you provide recommendations to</p> <p>5 members of Council regarding whether -- whether or</p> <p>6 not a request for funding should or should not be</p> <p>7 approved?</p> <p>8 A. They ask me my opinion.</p> <p>9 Q. Are there particular members of the County</p> <p>10 Council who ask your opinion more frequently than</p> <p>11 others?</p> <p>12 A. On budget amendments?</p> <p>13 Q. On budget amendment issues, yes.</p> <p>14 A. It's a tough question to answer because it</p> <p>15 happens every two years.</p> <p>16 Q. Okay. Are there particular members of</p> <p>17 County Council who are more involved in the budget</p> <p>18 process than others?</p> <p>19 MS. SACKS: Objection.</p> <p>20 THE WITNESS: What do you mean "more</p> <p>21 involved"?</p> <p>22 BY MR. MOONEY:</p> <p>23 Q. So I assume that the department or the</p> <p>24 committee of finance has overall responsibility as a</p> <p>25 committee for the budget.</p> | <p style="text-align: right;">Page 121</p> <p>1 finance department or finance division -- finance</p> <p>2 committee of the County Council before Council</p> <p>3 Member Miller?</p> <p>4 A. What time frame?</p> <p>5 Q. Just before.</p> <p>6 A. Immediately before?</p> <p>7 Q. Sure.</p> <p>8 A. Dave Greenspan.</p> <p>9 Q. And before Mr. Greenspan?</p> <p>10 A. Dale Miller.</p> <p>11 Q. Okay. So it went Miller, Greenspan,</p> <p>12 Miller?</p> <p>13 A. Miller back, yes.</p> <p>14 Q. Before Miller, was there a different</p> <p>15 chair?</p> <p>16 A. He was the first chair of the finance</p> <p>17 committee.</p> <p>18 Q. I see. And have you provided a</p> <p>19 recommendation to members of the County Council</p> <p>20 regarding whether additional funding should be</p> <p>21 provided to address Cuyahoga's opioid addiction</p> <p>22 issues?</p> <p>23 A. I discussed with the council members the</p> <p>24 request for additional social workers, the restoring</p> <p>25 of the funds for the overtime.</p>                                                                                                                                                                                                                                                                      |



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| <p style="text-align: right;">Page 122</p> <p>1 Q. Anything else?</p> <p>2 A. I've discussed that -- the inability to</p> <p>3 reduce the sheriff's budget because of the overtime</p> <p>4 issue.</p> <p>5 Q. Anything else?</p> <p>6 A. I've discussed the -- we haven't talked</p> <p>7 about the funding provided for first responders for</p> <p>8 the naloxone, I believe.</p> <p>9 Q. Is that -- is that first responders</p> <p>10 related to MetroHealth funding?</p> <p>11 A. Part of -- they were involved in the</p> <p>12 project, but we also wanted to make available to</p> <p>13 various cities and stuff some funding through -- we</p> <p>14 have public safety grants that that money could be</p> <p>15 used for that purpose.</p> <p>16 Q. I see.</p> <p>17 A. In addition, we discussed -- we increased</p> <p>18 the ADAMHS Board subsidy.</p> <p>19 Q. You -- the ADAMHS Board is funded by the</p> <p>20 Health and Human Services levy, right?</p> <p>21 A. Partially funded by the Health and Human</p> <p>22 Services levy.</p> <p>23 Q. What other part is the ADAMHS Board</p> <p>24 funded?</p> <p>25 A. They get money that directly. They get</p>                                                            | <p style="text-align: right;">Page 124</p> <p>1 in body transportation costs related to the opioid</p> <p>2 issues in Cuyahoga County; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Did that request come in the fall of 2017</p> <p>5 as part of the budget process?</p> <p>6 A. It came -- that particular request came as</p> <p>7 a contract amendment to the Board of Control.</p> <p>8 Q. I see. And when did it come before the</p> <p>9 Board of Control as a contract amendment?</p> <p>10 A. I don't have the exact date.</p> <p>11 Q. Was it within the last four years?</p> <p>12 A. I can't say for certain.</p> <p>13 Q. For the MetroHealth request for funding,</p> <p>14 is it your understanding that Cuyahoga County</p> <p>15 provides funding to operate the Project DAWN</p> <p>16 program?</p> <p>17 A. Partially, it's my understanding.</p> <p>18 Q. And do you know when the Project DAWN --</p> <p>19 when Project DAWN began in Cuyahoga County?</p> <p>20 A. I do not.</p> <p>21 Q. Does March of 2013 sound right for when</p> <p>22 Project DAWN began?</p> <p>23 A. I don't know.</p> <p>24 Q. And Project DAWN is the naloxone program?</p> <p>25 A. Yes.</p>                                                                             |
| <p style="text-align: right;">Page 123</p> <p>1 money from the State of Ohio. I don't know the</p> <p>2 particulars.</p> <p>3 Q. Okay. So as far as Cuyahoga County's</p> <p>4 funding of the ADAMHS Board is concerned, it's</p> <p>5 coming from the HHS levy?</p> <p>6 A. Yes. There is I would say an asterisk to</p> <p>7 that though. I believe the Court of Common Pleas</p> <p>8 has contracts with the ADAMHS Board. They might</p> <p>9 not -- that portion of that contract might not be</p> <p>10 funded from the Health and Human Services levy, but</p> <p>11 those are small amounts compared to the full</p> <p>12 subsidy.</p> <p>13 Q. Okay. And the HHS levy is -- that's a tax</p> <p>14 on Cuyahoga County properties; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And that HHS levy is approved by the</p> <p>17 citizens of the county as a part of a ballot</p> <p>18 process?</p> <p>19 A. Ballot initiative.</p> <p>20 Q. And does the -- does the HHS levy only</p> <p>21 fund the ADAMHS Board, or does it fund other things</p> <p>22 as well?</p> <p>23 A. It funds other things as well.</p> <p>24 Q. You mentioned the Medical Examiner's</p> <p>25 Office also requested funding because of an increase</p> | <p style="text-align: right;">Page 125</p> <p>1 Q. Makes naloxone available to people who</p> <p>2 have overdosed from prescription opioids or heroin?</p> <p>3 A. That's my understanding of Project DAWN.</p> <p>4 Q. Other than the Child and Family Services,</p> <p>5 sheriff department, medical examiner, MetroHealth</p> <p>6 and ADAMHS Board, are there any other departments of</p> <p>7 the government that have come before the County</p> <p>8 Council and requested funding to respond to the</p> <p>9 opioid crisis in Cuyahoga County?</p> <p>10 A. Not that I can remember at this time.</p> <p>11 Q. Okay. When you became the legislative</p> <p>12 budget adviser, were you required to take any sort</p> <p>13 of oath?</p> <p>14 A. No.</p> <p>15 Q. Okay. You're not like a member of</p> <p>16 Congress where you have to swear to uphold the laws</p> <p>17 of the Constitution?</p> <p>18 A. Some department directors at the County</p> <p>19 have to do that.</p> <p>20 Q. Okay. But you're not one of them --</p> <p>21 A. No.</p> <p>22 Q. -- as a staff member of the Council?</p> <p>23 A. As a staff member of Council.</p> <p>24 Q. Do you consider yourself to have any</p> <p>25 duties to the residents of Cuyahoga County as a</p> |



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| <p style="text-align: right;">Page 126</p> <p>1 legislative budget adviser?</p> <p>2 MS. SACKS: Objection.</p> <p>3 THE WITNESS: Can you describe a little</p> <p>4 further what you mean by that?</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Sure. Do you consider it your</p> <p>7 responsibility to ensure that funds are allocated</p> <p>8 responsibly among the various parts of the Cuyahoga</p> <p>9 County government?</p> <p>10 MS. SACKS: Objection.</p> <p>11 THE WITNESS: I think as a public servant,</p> <p>12 someone who is funded from the taxpayer money, yes.</p> <p>13 BY MR. MOONEY:</p> <p>14 Q. Okay. And does your -- do you consider</p> <p>15 your role as the legislative budget adviser as also</p> <p>16 including a responsibility that County Council has</p> <p>17 accurate information regarding the budgets that it</p> <p>18 ultimately passes into law?</p> <p>19 A. Yes. I believe that is one of my main</p> <p>20 responsibilities, to ensure council members are</p> <p>21 informed accurately.</p> <p>22 Q. And do you consider your responsibility as</p> <p>23 a legislative budget adviser to understand the</p> <p>24 County's overall economic outlook in order to inform</p> <p>25 council members of the budgeting process?</p> | <p style="text-align: right;">Page 128</p> <p>1 collections, right?</p> <p>2 A. Yes.</p> <p>3 Q. My understanding is that the property</p> <p>4 taxes are collected by the state, right?</p> <p>5 A. No.</p> <p>6 Q. No, okay. How am I wrong?</p> <p>7 A. The property tax -- the property taxes is</p> <p>8 collected directly from the County.</p> <p>9 Q. Okay.</p> <p>10 A. So residents will send money directly to</p> <p>11 the County.</p> <p>12 Q. Okay. And as a legislative budget</p> <p>13 adviser, do you watch for trends or -- I'm</p> <p>14 forgetting the words you used to describe it, but</p> <p>15 basically events that you think should be raised</p> <p>16 with the members of the Council regarding the</p> <p>17 County's property tax collection?</p> <p>18 A. I -- yes, I keep that on my radar.</p> <p>19 Q. And is it your understanding or do you</p> <p>20 have an understanding of whether property values in</p> <p>21 Cuyahoga County declined as part of the assessment</p> <p>22 process in 2011?</p> <p>23 A. I can't speak to the reappraisal process</p> <p>24 in 2011.</p> <p>25 Q. Okay. Do you -- does anyone report to you</p>                                                                                                                                      |
| <p style="text-align: right;">Page 127</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: Can you rephrase that,</p> <p>3 please?</p> <p>4 BY MR. MOONEY:</p> <p>5 Q. So you mentioned earlier that one of the</p> <p>6 things that you keep an eye on is the sales tax</p> <p>7 collections.</p> <p>8 Is it your -- do you believe it's one of</p> <p>9 your responsibilities to understand the sort of</p> <p>10 external economic factors that impact the revenue</p> <p>11 that is available to the County's government?</p> <p>12 MS. SACKS: Objection.</p> <p>13 THE WITNESS: I don't believe it is my</p> <p>14 direct responsibility. We defer to OBM for that</p> <p>15 information, but I like to have a knowledge of like,</p> <p>16 example, the sales tax.</p> <p>17 BY MR. MOONEY:</p> <p>18 Q. Do you keep an eye on the property tax</p> <p>19 collections that are -- that go into the County's</p> <p>20 revenue stream?</p> <p>21 MS. SACKS: Objection.</p> <p>22 THE WITNESS: What do you mean "keep an</p> <p>23 eye on"?</p> <p>24 BY MR. MOONEY:</p> <p>25 Q. So you follow trends in sales tax</p>                                                                                                                                              | <p style="text-align: right;">Page 129</p> <p>1 as the legislative budget adviser? Do you have a</p> <p>2 staff?</p> <p>3 A. I do not have a staff --</p> <p>4 Q. Do you --</p> <p>5 A. -- that directly report to me.</p> <p>6 Q. Okay. Do you report to -- do you report</p> <p>7 to someone?</p> <p>8 A. I report directly to our chief of staff,</p> <p>9 Joseph Nanni, but the staff do work for all 11</p> <p>10 council members. But we all directly report to our</p> <p>11 chief of staff, Joe Nanni.</p> <p>12 Q. And what are Mr. Nanni's duties, as you</p> <p>13 understand them?</p> <p>14 A. He's the chief of staff, so I kind of will</p> <p>15 leave it there. I mean, he's just -- he's</p> <p>16 responsible for the staff, ensuring staff is meeting</p> <p>17 the, you know, requests and needs of the council</p> <p>18 members and things of that nature.</p> <p>19 Q. Okay. What is the -- and then what is the</p> <p>20 role of the clerk of council, as you understand it?</p> <p>21 A. The clerk of council, she has two staff</p> <p>22 members, so there's a total of three clerks. They</p> <p>23 are there to manage the agenda, the minutes, the</p> <p>24 records for all the committee members -- I'm sorry,</p> <p>25 committees, not committee members, but the council</p> |

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| <p style="text-align: right;">Page 130</p> <p>1 committees.</p> <p>2 Q. Okay. What is -- I've seen a reference to</p> <p>3 a special counsel.</p> <p>4 What is that individual's role?</p> <p>5 A. That name, Michael King, who is my</p> <p>6 co-worker, he is a fellow -- so I mentioned we have</p> <p>7 three clerk staff. We have a total of nine staff</p> <p>8 for the Council. Three of those are clerks. One of</p> <p>9 them is an administrative assistant.</p> <p>10 And then the remaining -- the other one is</p> <p>11 the chief of staff. So the remaining four, which I</p> <p>12 fall in that category, we consider ourselves policy</p> <p>13 staff, and he is one of those four.</p> <p>14 Q. And what is the role of the policy staff?</p> <p>15 A. So similar to what we've, you know,</p> <p>16 discussed, I focus -- I'm more heavily focused on</p> <p>17 the budget aspect of it, but they also -- we have</p> <p>18 one who is not the special counsel or whatever the</p> <p>19 title that you referenced, but she focuses mainly on</p> <p>20 the Health and Human Services committee because of</p> <p>21 the volume of contracts and things of that nature</p> <p>22 that go through that committee.</p> <p>23 And then the other three of us focus on</p> <p>24 the other committees.</p> <p>25 Q. Okay. And what is the individual's name</p> | <p style="text-align: right;">Page 132</p> <p>1 BY MR. MOONEY:</p> <p>2 Q. Sure. And in the discussions that you're</p> <p>3 referring to, who was -- who participated in those</p> <p>4 discussions?</p> <p>5 A. Myself, and she is no longer there, but</p> <p>6 the individual you asked about, the special counsel</p> <p>7 has replaced her because she, she left for another</p> <p>8 opportunity. But her name was Joanne Gross.</p> <p>9 Q. And what conversations or discussions did</p> <p>10 you have with Ms. Gross about opioid abuse in</p> <p>11 Cuyahoga County?</p> <p>12 A. So this was going back some time. I don't</p> <p>13 have an exact time frame for you. But we, you know,</p> <p>14 we were -- all of the various policy staff were</p> <p>15 assigned different topics and areas, and we were</p> <p>16 assigned kind of to just continue to work with the</p> <p>17 department heads about this particular issue.</p> <p>18 So we would receive reports and</p> <p>19 information, so it was like we were in charge of</p> <p>20 kind of ensuring that we're getting the appropriate</p> <p>21 information for various issues, and this was one of</p> <p>22 them.</p> <p>23 Q. And was that issue called a Heroin Impact</p> <p>24 Report?</p> <p>25 A. That may have been part of something we</p> |
| <p style="text-align: right;">Page 131</p> <p>1 who works with the Health and Human Services</p> <p>2 committee?</p> <p>3 A. LeVine Ross.</p> <p>4 Q. Does the policy staff have any</p> <p>5 responsibility for researching the causes of the</p> <p>6 opioid issues that exist in Cuyahoga County?</p> <p>7 MS. SACKS: Objection.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 BY MR. MOONEY:</p> <p>10 Q. Do you know if the policy staff has any</p> <p>11 work, has performed any work related to prescription</p> <p>12 opioid abuse in Cuyahoga County?</p> <p>13 MS. SACKS: Objection.</p> <p>14 THE WITNESS: What do you mean by</p> <p>15 performed work?</p> <p>16 BY MR. MOONEY:</p> <p>17 Q. Have they conducted research regarding</p> <p>18 prescription opioid abuse in Cuyahoga County?</p> <p>19 MS. SACKS: Objection.</p> <p>20 THE WITNESS: It's come up in discussions,</p> <p>21 and I don't -- I don't necessarily know how to</p> <p>22 define research for you.</p> <p>23 So I don't want to mis -- I don't want to</p> <p>24 incorrectly answer the question, but it's come up in</p> <p>25 discussions.</p>                                                                                                                                                                                                                                         | <p style="text-align: right;">Page 133</p> <p>1 received --</p> <p>2 Q. Okay.</p> <p>3 A. -- as part of that being assigned to that</p> <p>4 particular responsibility. It was some time ago, so</p> <p>5 I can't say.</p> <p>6 Q. Sure. I'm finally going to show you a</p> <p>7 document.</p> <p>8 A. Okay.</p> <p>9 (Exhibit 1 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. MOONEY:</p> <p>12 Q. I'm going to pass to you a document that's</p> <p>13 been marked as McAleer -- Trevor McAleer, excuse me,</p> <p>14 Exhibit 1. This is an email from Joanne Gross to</p> <p>15 Kahlil Seren, Joseph Nanni and to you dated</p> <p>16 October 26, 2012, with the subject line Status</p> <p>17 Report, and then it's Bates labeled CUYAH_014537372.</p> <p>18 Mr. McAleer, if you'd like to take a</p> <p>19 moment to look at that, I'll ask a couple of</p> <p>20 questions about it.</p> <p>21 All set?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Okay. First of all, do you</p> <p>24 remember receiving this email from Ms. Gross in</p> <p>25 October of 2012?</p>                                                                                                                                                                                                                                               |

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| <p style="text-align: right;">Page 134</p> <p>1 A. I don't directly remember receiving this<br/>2 email. The status report though is something I<br/>3 remember.<br/>4 Q. Okay. And so is this -- does this Status<br/>5 Report, which is the attachment that ends in the<br/>6 number 7373, is this staff report the type of report<br/>7 that the County Council staff provided to members of<br/>8 County Council on a regular basis?<br/>9 A. Can you define "regular"?<br/>10 Q. Sure. Was it a monthly report?<br/>11 A. It was a report that didn't last long.<br/>12 Q. Okay.<br/>13 A. So I don't -- I can't tell you how many<br/>14 reports were sent out, but we tried this.<br/>15 Q. Okay.<br/>16 A. And, again, this was the second year of<br/>17 the new government, so we were trying to figure out<br/>18 ways to ensure that the part-time council members<br/>19 were up to speed, and this was one of our<br/>20 approaches, but it didn't last very long.<br/>21 Q. It didn't last very long, okay.<br/>22 And on the email from Sister Gross -- was<br/>23 she a nun?<br/>24 A. She was a lawyer and a nun.<br/>25 Q. Wow, okay. So when Sister Gross says,</p> | <p style="text-align: right;">Page 136</p> <p>1 A. Yes.<br/>2 Q. Okay. And so you were listed, for<br/>3 example, as the point person on a Cuyahoga<br/>4 County-based business preference legislation, right?<br/>5 A. Yes.<br/>6 Q. And then below that, there is possible<br/>7 legislation. And then if you turn to the next page,<br/>8 there are current ongoing projects meetings and then<br/>9 a list of projects and then staff members assigned.<br/>10 A. Yes.<br/>11 Q. And are the staff members listed, were<br/>12 they also similarly point people on these, or this<br/>13 was their responsibility?<br/>14 A. Similar to the current and pending<br/>15 legislation, they would be the lead listed here.<br/>16 Q. Okay. And so in the September status<br/>17 report, one of the projects you were responsible for<br/>18 was electronic medical record systems for the jail;<br/>19 is that right? It's five --<br/>20 A. Yes.<br/>21 Q. -- six down.<br/>22 And then it says sort of five from the top<br/>23 that you were also working on a project for<br/>24 increasing funding for the animal shelter to hire<br/>25 additional staff; is that right? It's on the bottom</p> |
| <p style="text-align: right;">Page 135</p> <p>1 "See what you think of this as the report we give to<br/>2 Ellen, et al.," do you know, do you have an<br/>3 understanding of who "Ellen" refers to in this<br/>4 email?<br/>5 A. I know who Ellen is.<br/>6 Q. Who is Ellen?<br/>7 A. That would be C. Ellen Connally, at that<br/>8 time the council president.<br/>9 Q. And then on the next page of -- or on the<br/>10 actual status report, there are the spreadsheet that<br/>11 begins listing current and pending legislation, and<br/>12 then there are various staff members assigned to the<br/>13 legislation.<br/>14 Do you see that?<br/>15 A. Yes.<br/>16 Q. And is that consistent with how you recall<br/>17 the Council staff worked on pending legislation,<br/>18 that they would each be assigned to particular<br/>19 pieces of the pending legislation?<br/>20 A. I would say be the lead -- I know it says<br/>21 "staff" -- because we would all kind of talk about<br/>22 it.<br/>23 Q. Right. Because it's a small staff, so you<br/>24 all help out when you can, but someone would be sort<br/>25 of the point person?</p>                                | <p style="text-align: right;">Page 137</p> <p>1 of the page, five from the bottom.<br/>2 A. Yes.<br/>3 Q. And then if you turn to the next page that<br/>4 ends in 375, the first project is Heroin Impact<br/>5 Reports Follow-Up, and the staff members listed with<br/>6 responsibility are J. Gross and T. McAleer.<br/>7 Do you understand J. Gross to be referring<br/>8 to Joanne Gross?<br/>9 A. Yes.<br/>10 Q. And T. McAleer is you?<br/>11 A. Yes.<br/>12 Q. Okay. Do you know what the Heroin Impact<br/>13 Report Follow-Up Project entailed in September of<br/>14 2012?<br/>15 A. I can't give you the exact specifics<br/>16 today, but like a lot of these, it would entail<br/>17 where department heads or directors or points of<br/>18 contacts would -- we would be working with them for<br/>19 them to keep us apprised of their efforts, and then<br/>20 we would funnel information to the appropriate<br/>21 channels.<br/>22 Q. And so here the department directors would<br/>23 be apprising you of the impact of heroin in a<br/>24 report?<br/>25 A. I know -- this here specifically says</p>                                                                          |

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| <p style="text-align: right;">Page 138</p> <p>1 Heroin Impact Reports. I don't have what was all<br/>2 sent to me, but it was not limited to heroin.<br/>3 Q. Okay. What else was in these reports that<br/>4 are titled here as Heroin Impact Reports but<br/>5 included other information?<br/>6 A. It would include receiving reports from<br/>7 the medical examiner on the number of deaths related<br/>8 to the opiate issue; getting reports from Project<br/>9 DAWN; getting reports from a committee that was set<br/>10 up, an informal committee of like department heads<br/>11 and directors and people from the Board of Health<br/>12 and that nature, getting updates from them.<br/>13 Q. And what was this informal committee<br/>14 called?<br/>15 A. I don't remember.<br/>16 Q. Was it the Heroin Initiative?<br/>17 A. I don't know.<br/>18 Q. The Cuyahoga County Opiate Task Force?<br/>19 A. That -- I don't know if that was the<br/>20 correct name. That sounds about right, but I don't<br/>21 know the exact name.<br/>22 Q. Okay. So in September of 2012, you were<br/>23 receiving reports or information related to heroin<br/>24 impacts, the death reports from opioids, and<br/>25 information from an informal committee of department</p> | <p style="text-align: right;">Page 140</p> <p>1 I just don't know in terms of time frame<br/>2 related to specifically those.<br/>3 Q. Sure. Do you still receive Heroin Impact<br/>4 Reports as the legislative budget adviser?<br/>5 A. Not to the volume that was received then.<br/>6 We do still talk -- I mean, the medical examiner<br/>7 will tell us they provide annual statistics to us<br/>8 and things of that nature, but I think the volume<br/>9 was more in terms of actually receiving reports<br/>10 around that time than what it is --<br/>11 Q. Today in 2019?<br/>12 A. Yes.<br/>13 Q. I see, okay. But are Heroin Impact<br/>14 Reports still sort of a document that you receive in<br/>15 2019?<br/>16 A. I wouldn't say -- this is outdated.<br/>17 Q. Okay. The phrase "Heroin Impact Report"<br/>18 is outdated?<br/>19 A. Yeah, and most of these are --<br/>20 Q. Sure.<br/>21 A. -- done. We don't do the status reports<br/>22 anymore.<br/>23 Q. Right, okay. So it sounds like back in<br/>24 2012 you received more Heroin Impact Reports than<br/>25 you do now, 2012 and 2013 we will say?</p> |
| <p style="text-align: right;">Page 139</p> <p>1 heads and other professionals about prescription<br/>2 opioid abuse; is that right?<br/>3 A. I just wanted to clarify. I don't know if<br/>4 September of 2012 I was getting those reports.<br/>5 Q. Okay.<br/>6 A. I was assigned to receive reports. It<br/>7 could have happened before or after.<br/>8 Q. I see.<br/>9 A. This was just more of a status update at<br/>10 that point in time.<br/>11 Q. So where it says follow-up, you sitting<br/>12 here today don't know what follow-up would have been<br/>13 required or would have been on your plate at the<br/>14 time this document was circulated?<br/>15 A. I don't -- I can't recall today to tell<br/>16 you everything that I received related to that<br/>17 category.<br/>18 Q. Sure. Not everything, but just generally,<br/>19 do you know what follow-up you would have been<br/>20 working on related to Heroin Impact Reports?<br/>21 A. I know -- what I do know is I received<br/>22 reports from Project DAWN. I remember working, you<br/>23 know, getting stuff from them, you know, more for<br/>24 FYIs, here's what we're working on. I remember<br/>25 getting reports from the medical examiners.</p>                                        | <p style="text-align: right;">Page 141</p> <p>1 MS. SACKS: Objection.<br/>2 THE WITNESS: I don't know.<br/>3 BY MR. MOONEY:<br/>4 Q. Okay. Did any specific member of Council<br/>5 request that you follow up on these Heroin Impact<br/>6 Reports that are referenced in the document attached<br/>7 as Exhibit 1?<br/>8 A. I don't know.<br/>9 Q. You don't know because you don't remember<br/>10 sitting here today?<br/>11 A. Yeah, I don't -- I can't tell you for sure<br/>12 sitting here today.<br/>13 Q. You can set that document aside.<br/>14 MS. SACKS: Do you want to take a break?<br/>15 Are you okay? Do you want me to check on lunch?<br/>16 MR. MOONEY: It's up to you, Trevor. If<br/>17 you'd like to take a break, we certainly can.<br/>18 THE WITNESS: Would we break shortly for<br/>19 lunch?<br/>20 MS. SACKS: It wouldn't be longer<br/>21 regardless, right?<br/>22 MR. MOONEY: Yes.<br/>23 THE WITNESS: I can just wait.<br/>24 MR. MOONEY: If you're okay with going, we<br/>25 will --</p>                                                                                                        |

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| <p style="text-align: right;">Page 142</p> <p>1 MS. SACKS: Court Reporter, you're good?</p> <p>2 THE COURT REPORTER: I'm okay.</p> <p>3 (Exhibit 2 was marked for</p> <p>4 identification.)</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. I'm giving you a document that has been</p> <p>7 labeled as Trevor McAleer Deposition Exhibit 2 and</p> <p>8 also handing it to your counsel.</p> <p>9 For the record, this is an email from</p> <p>10 Joanne Gross to a large number of individuals with</p> <p>11 the subject line September 2013 Staff Report. It's</p> <p>12 dated September 23rd, 2013, with the Bates label</p> <p>13 CUYAH_014394979.</p> <p>14 Mr. McAleer, if you'd like to take a</p> <p>15 moment to look at that.</p> <p>16 A. I would, please.</p> <p>17 Q. Sure. All set?</p> <p>18 A. I think I'm okay.</p> <p>19 Q. Okay. And if you need more time on</p> <p>20 specific questions, obviously take the time that you</p> <p>21 need.</p> <p>22 My first question is, are the recipients</p> <p>23 in the To line of this email the members of the</p> <p>24 County Council?</p> <p>25 A. Can I just have one more second? Sorry.</p> | <p style="text-align: right;">Page 144</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have -- do you understand that that</p> <p>4 @hotmail address is the personal email address of</p> <p>5 Council Member Rogers or at least was at the time</p> <p>6 this email was sent?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you think that Ms. Gross would be</p> <p>9 sending an email to another Julian Rogers with a</p> <p>10 Hotmail address that is not Council Member Julian</p> <p>11 Rogers?</p> <p>12 MS. SACKS: Objection.</p> <p>13 THE WITNESS: I don't know what Joanne</p> <p>14 would have done.</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. Okay. Do you recognize the next email</p> <p>17 address, cellenc@aol.com, to be the personal email</p> <p>18 address of Council President Ellen Connally at the</p> <p>19 time this email was sent?</p> <p>20 A. Yes.</p> <p>21 Q. And the same for the email</p> <p>22 Dave@DaveGreenspan.com, do you understand that to be</p> <p>23 Dave Greenspan, the council member's, personal email</p> <p>24 address as of September 2013?</p> <p>25 A. Yes.</p>                                                                |
| <p style="text-align: right;">Page 143</p> <p>1 Q. Absolutely. It's a long list. That's</p> <p>2 fine.</p> <p>3 A. Yes, the 11 individuals listed here were</p> <p>4 the council members at that time.</p> <p>5 Q. Right. They're not all members --</p> <p>6 A. Yes.</p> <p>7 Q. -- of Council today? Okay.</p> <p>8 And so Julian Rogers was a council member</p> <p>9 in 2013?</p> <p>10 A. Yes, if he's listed here. He left close</p> <p>11 to around that time. I don't have an exact date.</p> <p>12 But if he's listed here, he would have been a</p> <p>13 council member at this time. I didn't send the</p> <p>14 email.</p> <p>15 Q. Right.</p> <p>16 A. But he left I believe shortly after that.</p> <p>17 Q. Okay. So it looks like in the cc line of</p> <p>18 this email Ms. Gross, in addition to emailing you,</p> <p>19 you're in the third to the -- third line from the</p> <p>20 bottom kind of right in the middle.</p> <p>21 Do you see your name?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And then after that it says</p> <p>24 Julian Rogers, and then it lists an @hotmail.com</p> <p>25 address.</p>                        | <p style="text-align: right;">Page 145</p> <p>1 Q. Do you recognize the email address</p> <p>2 wblvd1272@aol.com?</p> <p>3 A. Yes.</p> <p>4 Q. Whose email address is that, if you know?</p> <p>5 A. Dan Brady's.</p> <p>6 Q. And Mr. Brady is the current council</p> <p>7 president, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And at the time he was just a member of</p> <p>10 the Council? His name is in the second line from</p> <p>11 the top in the To line.</p> <p>12 A. He was of course a member of Council. I</p> <p>13 don't know if he was the vice president.</p> <p>14 Q. I see.</p> <p>15 A. That's my hesitation to saying just a</p> <p>16 member.</p> <p>17 Q. Sure. Okay. But do you -- I should say</p> <p>18 was it the practice of the staff of County Council</p> <p>19 to send emails related to Council business to the</p> <p>20 personal email addresses of County Council members?</p> <p>21 A. What do you mean by "practice"?</p> <p>22 Q. Was it something that you did as a member</p> <p>23 of the Council staff? Did you send emails to</p> <p>24 personal email addresses as part of your job?</p> <p>25 A. Yes, I did. In part I would always -- I</p> |



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| <p style="text-align: right;">Page 146</p> <p>1 would copy their personal email addresses. It would<br/>2 always -- their To would always include their County<br/>3 email address. And the reason that I would include<br/>4 personal email addresses typically were if it was<br/>5 before or after hours just to ensure that they saw<br/>6 what I was sending them.<br/>7 Q. I see. And so this email that was sent at<br/>8 7:33 a m., it appears that Ms. Gross may have had a<br/>9 different practice --<br/>10 MS. SACKS: Objection.<br/>11 BY MR. MOONEY:<br/>12 Q. -- for sending emails to personal council<br/>13 members' addresses?<br/>14 A. I can't speak to Sister Joanne's reasoning<br/>15 for copying.<br/>16 Q. Sure. Do -- sitting here today, do you<br/>17 still send emails to the personal addresses of<br/>18 council members to conduct County business?<br/>19 MS. SACKS: Objection.<br/>20 THE WITNESS: I always -- I include their<br/>21 County email address. I will say today it's far<br/>22 less mainly because the majority of the council<br/>23 members have put -- had the capability to put their<br/>24 County email on their mobile device.<br/>25 So the time issue is not really as</p> | <p style="text-align: right;">Page 148</p> <p>1 being described in the status report?<br/>2 A. It was an idea. Just so you know, it<br/>3 never became legislation. But Councilman Gallagher<br/>4 at the time was interested in ensuring that<br/>5 departments would use their money for what they said<br/>6 they were going to use their money for. And he was<br/>7 tossing around the potential concept of creating<br/>8 legislation that if that wasn't the case, somehow we<br/>9 would claw back money to return it back to the<br/>10 general fund.<br/>11 Q. Was the idea of that legislation that if a<br/>12 department was allocated \$100,000 and spent 90 that<br/>13 you would get the \$10,000 back?<br/>14 A. No. So in that -- in your example, that<br/>15 10 would come back anyway if they didn't spend the<br/>16 10.<br/>17 Q. I see, okay.<br/>18 A. His intention at the point because I<br/>19 was -- I was more discussing with him. It wasn't<br/>20 even drafted --<br/>21 Q. Right.<br/>22 A. -- in the official legislation was if you<br/>23 said you were going to buy 12 black pens to write<br/>24 with and you decided to go buy three notebooks, a<br/>25 generic example, that that's not what you said you</p> |
| <p style="text-align: right;">Page 147</p> <p>1 relevant when trying to get them to learn how to do<br/>2 it on their phone back then.<br/>3 BY MR. MOONEY:<br/>4 Q. Correct, I see. Okay. If you would<br/>5 please turn to the attachment, which is titled<br/>6 Cuyahoga County status -- or Staff Status Report,<br/>7 September 2013.<br/>8 Do you see that?<br/>9 A. September 2013?<br/>10 Q. Yes. And then under the -- on the second<br/>11 page ending in 981 under the heading Possible<br/>12 Legislation, do you see the last one listed is "Use<br/>13 of surplus budgets for departments updated for<br/>14 September report," and then you're listed as the<br/>15 point staff member. And the description says,<br/>16 "Draft legislation that will require surplus of<br/>17 departments' budgets to be returned to the County's<br/>18 GF if it's not use for intended purpose."<br/>19 Do you see where it says that?<br/>20 A. I do.<br/>21 Q. Okay. Does -- do you know what possible<br/>22 legislation this entry about the use of surplus<br/>23 budgets for departments is referring to?<br/>24 A. Yes.<br/>25 Q. Okay. And what is the legislation that is</p>                                             | <p style="text-align: right;">Page 149</p> <p>1 were going to use the money for. So we -- then the<br/>2 idea would take away that dollar amount from your<br/>3 other part of your budget.<br/>4 Q. I see, okay. And that didn't become law?<br/>5 A. It did not become law.<br/>6 Q. I see. So if you turn to the -- so below<br/>7 that, excuse me, it says "Current ongoing projects<br/>8 and meetings," and it has staff and status again,<br/>9 right?<br/>10 A. Yes.<br/>11 Q. And on the page ending in 982, kind of<br/>12 right in the middle, it looks like you're still<br/>13 working on the electronic medical record systems for<br/>14 the jail in September 2013, right?<br/>15 A. Yes.<br/>16 Q. Do you know if that ever came into<br/>17 fruition? Did you -- did the County implement<br/>18 electronic medical records at the jail?<br/>19 A. Yes. I would recommend talking to other<br/>20 people that are more familiar with it, but that was<br/>21 a big initiative then.<br/>22 Q. Sure. And then on the page ending in 983,<br/>23 the next page, fourth from the top, it again lists<br/>24 Heroin Impact Reports, updated for September report,<br/>25 and you are listed there, right?</p>                              |

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| <p style="text-align: right;">Page 150</p> <p>1 A. Yes.</p> <p>2 Q. As one of the point people responsible for</p> <p>3 the Heroin Impact Reports on the Council staff,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And who is C. Culek?</p> <p>7 A. Culek.</p> <p>8 Q. Culek?</p> <p>9 A. Christina.</p> <p>10 Q. Okay.</p> <p>11 A. She was a deputy clerk in the clerk's</p> <p>12 office.</p> <p>13 Q. And do you remember what you were doing in</p> <p>14 September 2013 in relation to the Heroin Impact</p> <p>15 Reports that are listed on this status report?</p> <p>16 A. I know what I was doing, and it was very</p> <p>17 similar to what from the previous report. It was</p> <p>18 more if I was still getting information, which if</p> <p>19 it's on here I probably was. I can't tell you for</p> <p>20 sure what dates I was getting reports. That's what</p> <p>21 I was doing related to this --</p> <p>22 Q. Okay.</p> <p>23 A. -- particular line item.</p> <p>24 Q. Before we take a break, I would like to</p> <p>25 shift gears just a bit. You can set that document</p> | <p style="text-align: right;">Page 152</p> <p>1 MR. MOONEY: Are you instructing him not</p> <p>2 to answer again?</p> <p>3 MS. SACKS: No, he can answer if he knows.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. How about any of your close friends?</p> <p>7 MS. SACKS: Same objection.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 MR. MOONEY: It's about lunch. So do you</p> <p>10 want to take a break? You can have your lunch and</p> <p>11 then we can come back.</p> <p>12 THE WITNESS: If that's --</p> <p>13 MS. SACKS: Is that good? Is that good</p> <p>14 for you?</p> <p>15 That's fine.</p> <p>16 THE VIDEOGRAPHER: Off the record, 12:08.</p> <p>17 (Whereupon, a lunch recess was</p> <p>18 taken from 12:08 p.m. to</p> <p>19 1:04 p.m.)</p> <p>20 THE VIDEOGRAPHER: On the record, 1:04.</p> <p>21 BY MR. MOONEY:</p> <p>22 Q. All right. Welcome back from the break.</p> <p>23 Thank you for returning.</p> <p>24 I wanted to circle back. At the beginning</p> <p>25 you mentioned that you learned about this lawsuit</p>                                                                                                                                                         |
| <p style="text-align: right;">Page 151</p> <p>1 aside, yes.</p> <p>2 Mr. McAleer, have you ever been prescribed</p> <p>3 a prescription opioid before?</p> <p>4 MS. SACKS: Objection. I'm going to</p> <p>5 instruct him not to answer.</p> <p>6 MR. MOONEY: And the basis of your</p> <p>7 instruction?</p> <p>8 MS. SACKS: It's not relevant in this</p> <p>9 litigation, his personal use.</p> <p>10 MR. MOONEY: And you know that your</p> <p>11 colleagues have been asking witnesses on the defense</p> <p>12 side that exact question in almost every deposition?</p> <p>13 MS. SACKS: I don't know what they've</p> <p>14 done.</p> <p>15 MR. MOONEY: Okay.</p> <p>16 MS. SACKS: No.</p> <p>17 MR. MOONEY: You're instructing him not to</p> <p>18 answer?</p> <p>19 MS. SACKS: Yes.</p> <p>20 BY MR. MOONEY:</p> <p>21 Q. And will you follow your counsel's advice?</p> <p>22 A. Yes.</p> <p>23 Q. Have any members of your family been</p> <p>24 prescribed prescription opiates before?</p> <p>25 MS. SACKS: Objection.</p>                                                                | <p style="text-align: right;">Page 153</p> <p>1 two days before it was filed, correct?</p> <p>2 A. Approximately two days.</p> <p>3 Q. Approximately two days?</p> <p>4 A. Yeah.</p> <p>5 Q. And you learned that in a meeting that the</p> <p>6 county executive held along with members of his</p> <p>7 staff where they informed you that a lawsuit would</p> <p>8 be filed; is that right?</p> <p>9 A. It wasn't an official meeting. He walked</p> <p>10 over to our council offices to let us know that --</p> <p>11 about the press conference and to let us know what</p> <p>12 the press conference was about, which was leading to</p> <p>13 the filing of the lawsuit.</p> <p>14 Q. Were any members of the city council</p> <p>15 present in your office when the executive and his</p> <p>16 staff came over to inform you of the lawsuit that</p> <p>17 Cuyahoga County filed?</p> <p>18 A. City council members?</p> <p>19 Q. Did I say "city"?</p> <p>20 A. Yes.</p> <p>21 Q. I did. Were any members of the County</p> <p>22 Council present when you -- when Executive Budish</p> <p>23 came over and asked -- or mentioned that the lawsuit</p> <p>24 was going to be filed?</p> <p>25 A. I don't know for sure.</p> |

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| <p style="text-align: right;">Page 154</p> <p>1 Q. When the executive and his staff came to<br/>2 your office, who actually said Cuyahoga County was<br/>3 going to be filing a lawsuit if you remember?<br/>4 A. I don't remember for sure who said it.<br/>5 Q. Is it your understanding that -- or do you<br/>6 have an understanding whether the lawsuit had<br/>7 already been finalized by that time that meeting<br/>8 occurred?<br/>9 A. I don't know.<br/>10 MS. SACKS: Objection.<br/>11 BY MR. MOONEY:<br/>12 Q. Do you know if the county executive<br/>13 approved of the lawsuit being filed in this case?<br/>14 MS. SACKS: Objection.<br/>15 THE WITNESS: I don't know.<br/>16 BY MR. MOONEY:<br/>17 Q. I'd like to ask a couple of questions<br/>18 about the County Council a bit, and then that way we<br/>19 can sort of talk through the budget process after<br/>20 that.<br/>21 Are there specific committees of the<br/>22 County Council that have responsibility for the<br/>23 County's budgeting process? You mentioned the<br/>24 Committee of the Whole last session.<br/>25 Are there any other committees that have</p>                                                                                       | <p style="text-align: right;">Page 156</p> <p>1 limited period of time, or is it as long as the<br/>2 council member wants to sit on the committee?<br/>3 A. The council president appoints committee<br/>4 membership.<br/>5 Q. And that is done?<br/>6 A. Every two years.<br/>7 Q. And does -- do you know how the council<br/>8 president determines which members will sit on which<br/>9 committees?<br/>10 A. I don't know. Can you describe what you<br/>11 mean how he does that? I'm not sure.<br/>12 Q. Sure. Do you understand the process of<br/>13 how the committeeman or how the council president<br/>14 says Councilman Miller is going to be the chair of<br/>15 the finance department as opposed to any of the<br/>16 other nine council members?<br/>17 A. The council president has talked to staff,<br/>18 me, about council committee appointments. He has<br/>19 the final say. The council president, whoever the<br/>20 council president is has the final say of what<br/>21 member goes on what committee.<br/>22 Q. And so, for example, the finance<br/>23 committee -- because that seems like it's the<br/>24 closest one that you have interactions with, is that<br/>25 fair?</p>                                                  |
| <p style="text-align: right;">Page 155</p> <p>1 responsibility for the budgeting process?<br/>2 A. So not direct responsibility over the<br/>3 budget process. I think when any types of contracts<br/>4 go to all the committees, it's always asked is there<br/>5 enough money in the budget, was this appropriated<br/>6 type thing. So I guess indirectly, yes.<br/>7 But finance or the Committee of the Whole<br/>8 would be the two most significant committees where<br/>9 specifically budget is discussed.<br/>10 Q. Okay. And you said that for the finance<br/>11 committee the chair was Councilman Miller,<br/>12 Councilman Greenspan, and then Councilman Miller<br/>13 again?<br/>14 A. Yes.<br/>15 Q. I think in that order?<br/>16 A. In that order.<br/>17 Q. Yes. Are there other -- are there any<br/>18 other members of the finance committee of the County<br/>19 Council who have been members for the past -- for<br/>20 more than three years?<br/>21 A. I can't say for certain, but knowing the<br/>22 number of council members that have been here since<br/>23 the start, more than likely, yes.<br/>24 Q. Are council memberships -- are council<br/>25 memberships rotated? Are you on a council for a</p> | <p style="text-align: right;">Page 157</p> <p>1 A. It's one of the top.<br/>2 Q. Okay. So for the finance committee, the<br/>3 council president has asked for your recommendation<br/>4 as to who -- which members of council should be<br/>5 appointed to that finance committee?<br/>6 A. Not recommendations but had bounced off<br/>7 just like in his preparation of determining kind of<br/>8 what is going to be in front of committee,<br/>9 committees for the upcoming term, like, "Hey, what<br/>10 do you think is going to be discussed in finance,"<br/>11 or like what are the big items that would be in each<br/>12 committee, just to kind of get staff members'<br/>13 thoughts about the workload in various departments.<br/>14 Q. Okay. So it's not necessarily the<br/>15 membership of the committees. It's what are the<br/>16 action items that likely will occur this year?<br/>17 A. That's correct.<br/>18 Q. Okay. Do you attend meetings of the<br/>19 finance committee in your job as the legislative<br/>20 budget adviser?<br/>21 A. I do.<br/>22 Q. Has the finance committee of the Cuyahoga<br/>23 County Council ever discussed the issue of<br/>24 prescription opioid abuse in Cuyahoga County to your<br/>25 knowledge?</p> |

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| <p style="text-align: right;">Page 158</p> <p>1 A. It's been discussed. I can't tell you<br/>2 when.<br/>3 Q. And in what -- under what circumstances<br/>4 was prescription opioid abuse in Cuyahoga County<br/>5 discussed during a meeting of the finance committee<br/>6 of the County Council?<br/>7 A. I can't give you every scenario, but if it<br/>8 wasn't in finance committee it would have been in<br/>9 the Committee of the Whole. But I know, for<br/>10 example, the ADAMHS Board has presented the<br/>11 information.<br/>12 Q. And what information has the ADAMHS Board<br/>13 provided about prescription opioid abuse in Cuyahoga<br/>14 County?<br/>15 A. It is -- I mean, it's been -- it's a<br/>16 presentation, so it's a lengthy presentation. It's<br/>17 been lengthy presentations. So I can't specifically<br/>18 say they said X about this, but I know it was on as<br/>19 part of their presentations.<br/>20 Q. Do you know if the presentations that the<br/>21 ADAMHS Board made to the County Council identified<br/>22 factors that contribute to prescription opioid abuse<br/>23 in Cuyahoga County?<br/>24 A. I don't know.<br/>25 Q. Do you know if the presentation that the</p>                     | <p style="text-align: right;">Page 160</p> <p>1 that detail.<br/>2 Q. Right, okay. Are there other committees<br/>3 of the County Council that have jurisdiction over<br/>4 the County's response to prescription opioid abuse?<br/>5 A. Can you rephrase or restate that question?<br/>6 I'm sorry.<br/>7 Q. Sure. So are there any committees other<br/>8 than the finance committee for the reasons we've<br/>9 discussed or the Committee of the Whole with their<br/>10 budgets that have responsibility or jurisdiction<br/>11 over the County's response to prescription opioid<br/>12 abuse?<br/>13 A. So I would not necessarily use the word<br/>14 "jurisdiction" but have discussed the issue. I<br/>15 would say Public Safety and Justice Affairs has been<br/>16 another committee that this has been discussed,<br/>17 particularly around the jail and the Medical<br/>18 Examiner's Office. They have presented in<br/>19 committees.<br/>20 The jail has presented -- the sheriff<br/>21 about the jail particularly. You know how we were<br/>22 talking earlier about the overtime being an issue?<br/>23 Kind of the one thing that they've also focused on<br/>24 is the sense of how the jail is not your traditional<br/>25 years ago just a county jail where someone sits for</p> |
| <p style="text-align: right;">Page 159</p> <p>1 ADAMHS Board presented to the -- the presentations<br/>2 that the ADAMHS Board presented to the County<br/>3 Council identified factors that contribute to heroin<br/>4 abuse in the county?<br/>5 A. I don't know.<br/>6 Q. I think you said that there have been<br/>7 lengthy presentations.<br/>8 Is that true? There have been multiple<br/>9 presentations by the ADAMHS Board about prescription<br/>10 opioid abuse in Cuyahoga County?<br/>11 A. Every opportunity, every budget<br/>12 opportunity, how we were talking about the fall,<br/>13 actually the fall dates for every biennial budget,<br/>14 the ADAMHS Board has come in and requested<br/>15 additional dollars, and that comes with the<br/>16 presentations.<br/>17 Q. And as part of that presentation, the<br/>18 ADAMHS Board says we need more money, and one of the<br/>19 reasons we need more money is because of the heroin<br/>20 abuse in the county. Is that your recollection?<br/>21 A. Not specifically.<br/>22 Q. At a general level?<br/>23 A. There's general terms that they use<br/>24 sometimes, you know, they know what it means in<br/>25 their presentations, so I can't say specifically to</p> | <p style="text-align: right;">Page 161</p> <p>1 their term, you know, their whatever, the number of<br/>2 days that they're in jail for, but it's become more<br/>3 of a hospital in the sense of a mental health and<br/>4 addiction services. The treatments are shifting.<br/>5 It's not just oversight of seeing people in their<br/>6 pods or their cells. It's having a different type<br/>7 of medical care that is required now because of the<br/>8 issue.<br/>9 The Medical Examiner's Office, as I<br/>10 mentioned, would come in and present statistics and<br/>11 things of that nature in terms of various overdoses<br/>12 and stuff like that, and they've come in. The<br/>13 Public Safety and Justice Affairs Committee have<br/>14 done that as well.<br/>15 Q. You mentioned that the jail has become<br/>16 more of a hospital in the sense of a mental health<br/>17 and addiction services treatment center as well.<br/>18 When did that shift occur, if you know?<br/>19 A. I don't know when that shift occurred.<br/>20 Q. Okay. And do you know why the jail began<br/>21 devoting additional resources to mental health and<br/>22 addiction treatment?<br/>23 A. Can you repeat that? Did you say why or<br/>24 when? I'm sorry.<br/>25 Q. Why.</p>                          |



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| <p style="text-align: right;">Page 162</p> <p>1 A. Why? I don't think they had a choice.</p> <p>2 They were -- I mean, people were getting arrested on</p> <p>3 various drugs. I'm not -- I don't work for the</p> <p>4 sheriff's office, but they were presented. There</p> <p>5 were just different types of inmates coming into</p> <p>6 their care, and you don't have a choice.</p> <p>7 Q. Does the jail provide mental health</p> <p>8 services unrelated to treatment for addiction?</p> <p>9 A. I don't know.</p> <p>10 Q. Other than the Public Safety and Justice</p> <p>11 Affairs Committee, are there any other committees of</p> <p>12 the County Council who have discussed opioid</p> <p>13 addiction in Cuyahoga County?</p> <p>14 A. The Health and Human Services committee</p> <p>15 would have discussed it either with Children and</p> <p>16 Family Services for the instances we've talked about</p> <p>17 or the ADAMHS Board, who not only presented at a</p> <p>18 Committee of the Whole at times but they've also</p> <p>19 come in and presented in the Health and Human</p> <p>20 Services committee as well, depending on what time</p> <p>21 of the year it is, or it might not be during the</p> <p>22 budget hearings but it might just be a very</p> <p>23 different presentation.</p> <p>24 Q. Okay. And who is the current chair of the</p> <p>25 Health and Human Services committee?</p> | <p style="text-align: right;">Page 164</p> <p>1 in, say, somewhere between 2013 and 2015; I forget</p> <p>2 the date.</p> <p>3 And they're used to be a -- I don't</p> <p>4 remember the exact name, but there used to be kind</p> <p>5 of two different committees. They were kind of</p> <p>6 merged into the Public Safety and Justice Affairs</p> <p>7 committee. He always had public safety under him,</p> <p>8 but he took over the -- yeah, so it's ...</p> <p>9 Q. Okay. Other than Health and Human</p> <p>10 Services and Public Safety and Justice Affairs, are</p> <p>11 there any other communities -- or sorry, committees,</p> <p>12 excuse me, that have discussed opioid abuse in</p> <p>13 Cuyahoga County?</p> <p>14 A. Not that I can remember at this time.</p> <p>15 Q. In your experience as the legislative</p> <p>16 budget adviser, are there particular members of the</p> <p>17 County Council who you believe have focused on the</p> <p>18 opioid abuse problem in Cuyahoga County?</p> <p>19 A. I think as a staff person, to some degree</p> <p>20 they've all focused on it. Some have had community</p> <p>21 meetings about it where the experts, like the</p> <p>22 medical examiner's folks and the sheriff's office,</p> <p>23 would come and talk to the community members. Not</p> <p>24 all council members have had those community</p> <p>25 meetings. That doesn't to me mean that one is more</p> |
| <p style="text-align: right;">Page 163</p> <p>1 A. Current chair of the Health and Human</p> <p>2 Services committee is Councilwoman Yvonne Conwell.</p> <p>3 Q. And before Ms. Conwell, who was the chair</p> <p>4 of the Health and Human Services committee?</p> <p>5 A. I think I know who it is, but I don't know</p> <p>6 for certain.</p> <p>7 Q. Okay. Who do you think it is?</p> <p>8 A. If I'm wrong, is that okay?</p> <p>9 Q. That's fine.</p> <p>10 A. I think it was Councilwoman Shontel Brown,</p> <p>11 but I don't recall for sure.</p> <p>12 Q. Do you know who the council -- or the</p> <p>13 chair of the Health and Human Services committee was</p> <p>14 before Councilwoman Brown, assuming it was</p> <p>15 Councilwoman Brown?</p> <p>16 A. I don't remember.</p> <p>17 Q. What about the Public Safety Committee,</p> <p>18 who is the current chair of the Public Safety and</p> <p>19 Justice Affairs committee?</p> <p>20 A. Councilman Michael Gallagher.</p> <p>21 Q. And before Councilman Gallagher, who was</p> <p>22 the chair of the Public Safety and Justice Affairs</p> <p>23 committee?</p> <p>24 A. He has been the chair, I believe, for most</p> <p>25 of the time. The committees changed or restructured</p>                                                                                                                                                                     | <p style="text-align: right;">Page 165</p> <p>1 interested or, you know, how you were asking the</p> <p>2 question but just in terms of give you a</p> <p>3 different --</p> <p>4 Q. So they might be a little more visible in</p> <p>5 their focus --</p> <p>6 A. Yeah.</p> <p>7 Q. -- but others might be focused as well?</p> <p>8 Okay.</p> <p>9 Have you attended any of the community</p> <p>10 meetings that council members have held to talk</p> <p>11 about the opioid issue that Cuyahoga County faces?</p> <p>12 A. I don't remember if I've attended those</p> <p>13 specific community meetings.</p> <p>14 Q. Sure. Do you know if the community</p> <p>15 meetings that you're referring to were meetings</p> <p>16 about heroin addiction in Cuyahoga County?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know if the meetings were focused</p> <p>19 or discussed prescription opioid addiction?</p> <p>20 A. I don't know.</p> <p>21 Q. Other than some members hosting community</p> <p>22 meetings, are there other examples of ways in which</p> <p>23 members of council have sought to address the opioid</p> <p>24 problem that Cuyahoga County faces?</p> <p>25 MS. SACKS: Objection.</p>                                                                                                                                                                                                                           |



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| <p style="text-align: right;">Page 166</p> <p>1 THE WITNESS: Could you -- could you ask</p> <p>2 that question in a different way?</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. I can certainly try.</p> <p>5 The members -- you said the members of</p> <p>6 Council have held meetings, and then as a staff</p> <p>7 member you believe that they're all focused on the</p> <p>8 opioid problem in some way, shape or form.</p> <p>9 I'm just wondering, are there other</p> <p>10 examples of things that council members have</p> <p>11 actually done that lead you to believe that the</p> <p>12 council members are focused on the problem of</p> <p>13 opioids in Cuyahoga County?</p> <p>14 A. I would say the budget amendments that we</p> <p>15 talked about earlier would fall under their focus,</p> <p>16 how we talked about there's not an unlimited pot of</p> <p>17 money. So if they're agreeing to dedicate funding</p> <p>18 for a certain department or issue, it's taking</p> <p>19 priority over something else.</p> <p>20 So I would say yes in that, but we've</p> <p>21 discussed that.</p> <p>22 Q. We sort of touched on this a little bit</p> <p>23 before the break.</p> <p>24 Have any members of Council asked members</p> <p>25 of the council staff to write a report or white</p> | <p style="text-align: right;">Page 168</p> <p>1 separate levy for mental health services?</p> <p>2 A. And addiction services.</p> <p>3 Q. And addiction, mental health and</p> <p>4 addiction.</p> <p>5 A. I don't have -- I don't remember the date.</p> <p>6 I just don't remember who for sure asked me to do</p> <p>7 that. I don't want to guess if I'm incorrect.</p> <p>8 Q. And when you worked on this document, was</p> <p>9 it focused on opioid addiction?</p> <p>10 A. That was part of the work.</p> <p>11 Q. And then what was your ultimate</p> <p>12 conclusion, if there was one, about the merits of a</p> <p>13 separate mental health and addiction services levy?</p> <p>14 A. So I get -- a lot of my work was working</p> <p>15 with the ADAMHS Board because that's what they do,</p> <p>16 and my conclusion was that a separate mental health</p> <p>17 and addiction services levy to meet the needs of the</p> <p>18 ADAMHS Board was needed. But that doesn't mean</p> <p>19 that's going to automatically turn into a separate</p> <p>20 mental health and addiction services levy.</p> <p>21 Q. And was -- was a separate mental health</p> <p>22 and addiction services levy proposed by members of</p> <p>23 Council?</p> <p>24 A. It was discussed in public meetings.</p> <p>25 There wasn't legislation or anything, but the</p> |
| <p style="text-align: right;">Page 167</p> <p>1 paper of some sort describing the opioid problem</p> <p>2 that Cuyahoga County faces?</p> <p>3 A. Can you ask that one more time?</p> <p>4 Q. Sure. Has the -- I'll do it a different</p> <p>5 way.</p> <p>6 Has the council staff ever written a</p> <p>7 report that discusses opioid abuse in Cuyahoga</p> <p>8 County?</p> <p>9 A. So I, I as council staff legislative</p> <p>10 budget adviser, worked on -- I don't know if a white</p> <p>11 paper is the correct term but a document for a</p> <p>12 council member that discussed the merits of doing a</p> <p>13 separate mental health and addiction services levy</p> <p>14 on top of the existing Health and Human Service</p> <p>15 levies.</p> <p>16 Q. And which council member requested that</p> <p>17 you work on that report?</p> <p>18 A. I don't remember of certain who that was.</p> <p>19 Q. Was it Councilman Miller?</p> <p>20 A. I don't think it was.</p> <p>21 Q. Was it Councilman Gallagher?</p> <p>22 A. It was -- I know it was not Councilman</p> <p>23 Gallagher.</p> <p>24 Q. Was it -- well, do you remember when you</p> <p>25 worked on the document discussing the merits of a</p>                                                                                 | <p style="text-align: right;">Page 169</p> <p>1 discussion came up in public meetings.</p> <p>2 Q. So the -- excuse me.</p> <p>3 The separate mental health and addiction</p> <p>4 services levy never actually went into effect?</p> <p>5 A. Never made it to the ballot for -- it</p> <p>6 would have to go to the ballot for the voters to</p> <p>7 decide if they wanted to increase their property</p> <p>8 taxes to have a separate mental health and addiction</p> <p>9 services on top of the two Health and Human Service</p> <p>10 levies we already had.</p> <p>11 Q. When the separate mental health and</p> <p>12 addiction services levy was discussed, were there</p> <p>13 particular members of Council that you recall being</p> <p>14 in favor of enacting or approving such a levy?</p> <p>15 A. Yes. I can't tell you every single</p> <p>16 person, but I know certain people were in favor of</p> <p>17 it.</p> <p>18 Q. Okay. And who were the ones that you</p> <p>19 remember?</p> <p>20 A. I can remember Dan Brady was in favor of</p> <p>21 considering it, you know, like because he understood</p> <p>22 the need.</p> <p>23 Q. Anyone else that you can recall?</p> <p>24 A. Councilwoman Conwell was in favor of</p> <p>25 considering it.</p>                                                                                       |

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| <p style="text-align: right;">Page 170</p> <p>1 And those are the two that I can<br/>2 definitely say were in favor. There were others<br/>3 supportive of it, but I don't want to cross my<br/>4 memory in terms of misrepresenting one of them's<br/>5 stance on it.<br/>6 Q. Sure. Were there members of the County<br/>7 Council who expressed disapproval of discussing the<br/>8 separate levy?<br/>9 A. Not disapproval of discussing the separate<br/>10 levy, excuse me. The concern, if any, was going to<br/>11 the taxpayers and asking them to burden a<br/>12 significant levy on top of what they're already<br/>13 paying to try to meet the needs of those who need<br/>14 the Health and Human Services -- the existing Health<br/>15 and Human Service levies.<br/>16 Q. And how do you know that the concern or<br/>17 there was a concern among certain members of Council<br/>18 about going to the taxpayers to propose a new levy?<br/>19 A. It was discussed in public meetings.<br/>20 Q. So you're basing that based on their<br/>21 public statements that they've made?<br/>22 A. Yeah, and they've said similar things to<br/>23 me, just how much can you tax a group before they<br/>24 are no longer supportive of a levy because prior to<br/>25 that the voters generously renewed the Health and</p> | <p style="text-align: right;">Page 172</p> <p>1 over time since 2011, right?<br/>2 A. That -- I don't know if it's federal or<br/>3 state funding, but I know their funding has<br/>4 decreased over time. And they were challenged to<br/>5 meet the demands, and that was part of the<br/>6 discussion around they're seeing increase in volume<br/>7 of clients that they need to serve and decrease in<br/>8 funding; what can we do, the County, to do -- to try<br/>9 to help them.<br/>10 Q. Are you familiar with the managed Medicare<br/>11 organization sales tax?<br/>12 A. Yes, I'm familiar enough I think.<br/>13 Q. And is it the case that the managed<br/>14 Medicare organization sales tax has also been taken<br/>15 away from the County's revenue sources?<br/>16 A. Yes. So there was sales tax applied to<br/>17 those managed Medicare things and that under state<br/>18 law, because of federal changes, we were no longer<br/>19 allowed to collect sales tax on those particular<br/>20 services or issues.<br/>21 So that went away maybe a year ago.<br/>22 Q. And do you have a sense sitting here today<br/>23 what the financial impact of that sales tax being<br/>24 taken away was in terms of dollars?<br/>25 A. It was -- yeah, it was again in those kind</p> |
| <p style="text-align: right;">Page 171</p> <p>1 Human Services levy, you know, prior to this<br/>2 discussion. So there was a concern of voter<br/>3 fatigue.<br/>4 Q. Do you remember -- I should say and so<br/>5 some of these discussions were also sort of office<br/>6 discussions that you had with members of Council?<br/>7 A. Yeah, very similar to those that took<br/>8 place in public though. It was pretty clear<br/>9 where -- you need eight votes to put something on<br/>10 the ballot.<br/>11 Q. And there were not eight votes to put<br/>12 this --<br/>13 A. It never made it to a formal vote, but<br/>14 just based off people's concerns about increasing<br/>15 taxes and how much that mental health and addiction<br/>16 services levy would have cost your average taxpayer,<br/>17 it was a significant request to the voter.<br/>18 Q. The ADAMHS Board used to receive funding<br/>19 from Medicaid, right?<br/>20 A. I don't know every detail of the ADAMHS<br/>21 Board, but my understanding, they were funded --<br/>22 they got some money from Medicaid, yes. I couldn't<br/>23 go into the specifics on that.<br/>24 Q. And the funding that the ADAMHS Board<br/>25 received from the federal government has declined</p>                                                                      | <p style="text-align: right;">Page 173</p> <p>1 of monthly reports from OBM and quarterly reports in<br/>2 preparation for those dollars to go away. We are no<br/>3 longer collecting that today, so they're --<br/>4 Q. And do you know how much money has been<br/>5 taken away from the general fund as a result of this<br/>6 managed Medicare organization sales tax?<br/>7 A. I don't have an exact number.<br/>8 Q. Does \$27 million sound about right?<br/>9 A. That's the average we would use, but --<br/>10 Q. It may be more or less?<br/>11 A. Right.<br/>12 Q. Do you have a sense of the percentage of<br/>13 the general fund that was the managed care<br/>14 organization sales tax amount?<br/>15 A. Not offhand, no.<br/>16 Q. Does 7 percent sound about right?<br/>17 A. Approximately.<br/>18 Q. Has Council President Brady taken any<br/>19 specific actions that you are aware of to respond to<br/>20 the opioid abuse problem in Cuyahoga County?<br/>21 MS. SACKS: Objection.<br/>22 THE WITNESS: I wouldn't say anything on<br/>23 top of what we already discussed. He voted on the<br/>24 budget changes, things like that. So I think that<br/>25 would fall under your category of responding to it.</p>                                                           |

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| <p style="text-align: right;">Page 174</p> <p>1 BY MR. MOONEY:</p> <p>2 Q. Sure. Okay. So putting aside voting on</p> <p>3 budget amendments for funding and the community</p> <p>4 meetings and then at least one asking you to work on</p> <p>5 a document discussing the merits of a separate</p> <p>6 mental health and addiction services levy, so</p> <p>7 putting those all aside, are there any actions that</p> <p>8 Councilwoman Conwell has taken related to the</p> <p>9 problem of opioid abuse in Cuyahoga County?</p> <p>10 A. Not that I can recall on top of what we</p> <p>11 discussed.</p> <p>12 Q. Again, setting aside the issues we've</p> <p>13 already discussed, same way for Councilman</p> <p>14 Gallagher.</p> <p>15 A. Not that I can recall.</p> <p>16 Q. Same question for Councilman Greenspan.</p> <p>17 A. Not that I can recall.</p> <p>18 Q. How about for Councilman Miller?</p> <p>19 A. Not that I can recall.</p> <p>20 Q. Councilwoman Simon?</p> <p>21 A. Not that I can recall.</p> <p>22 Q. Councilwoman Baker?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. Council President Connally?</p> <p>25 A. Not that I can recall.</p>                                                                                       | <p style="text-align: right;">Page 176</p> <p>1 appropriate spending levels to help meet their</p> <p>2 needs.</p> <p>3 So I just wanted to know at least as it</p> <p>4 relates to the County who determines whether or not</p> <p>5 spending levels are appropriate to meet their needs.</p> <p>6 A. It initially starts off with the</p> <p>7 department heads working with OBM, who then</p> <p>8 discusses the budget with stakeholders in the</p> <p>9 administration, who then would submit their budget</p> <p>10 to Council for final adoption.</p> <p>11 Q. And so is it your belief that Council, the</p> <p>12 County Council is the one who ultimately determines</p> <p>13 whether spending levels are appropriate to help meet</p> <p>14 the needs of the departments?</p> <p>15 A. The County Council approves and adopts the</p> <p>16 final budget. The county executive does have to</p> <p>17 sign the legislation along with County Council, so I</p> <p>18 would say that the 12 of them.</p> <p>19 Q. So the County Council and the executives</p> <p>20 are the ones who determine whether or not spending</p> <p>21 levels are appropriate to help meet the needs of the</p> <p>22 departments of the county government?</p> <p>23 A. I would say they have the final say on</p> <p>24 spending levels. So if that's appropriate, in their</p> <p>25 mind they have the final say.</p>                                                       |
| <p style="text-align: right;">Page 175</p> <p>1 Q. If the members of Council that I just</p> <p>2 referenced had taken some action other than the ones</p> <p>3 we've already discussed, would you expect to have</p> <p>4 been made aware of those actions?</p> <p>5 MS. SACKS: Objection.</p> <p>6 THE WITNESS: If it's directly</p> <p>7 county-related, I would more than likely have known</p> <p>8 about it.</p> <p>9 BY MR. MOONEY:</p> <p>10 Q. Okay. I'm going to shift gears a little</p> <p>11 bit and ask almost a Sesame Street level question.</p> <p>12 What is a budget in your understanding of</p> <p>13 that term?</p> <p>14 A. A budget, a budget is a tool. I would</p> <p>15 classify it as a tool that gives resources to the</p> <p>16 various departments, limited resources to the</p> <p>17 departments within appropriate spending levels to</p> <p>18 help meet their needs.</p> <p>19 Q. And who, speaking about the County's</p> <p>20 budget, who determines whether spending levels are</p> <p>21 appropriate to help meet their needs?</p> <p>22 A. So can you ask that question again? What</p> <p>23 do you mean?</p> <p>24 Q. Sure. Well, you said that a budget is a</p> <p>25 tool; it gives resources to departments within</p> | <p style="text-align: right;">Page 177</p> <p>1 Q. Do you have any reason to believe that the</p> <p>2 Council and the executive have approved budgets that</p> <p>3 they believe are inappropriate, that inappropriately</p> <p>4 fund departments of the government?</p> <p>5 A. I think they -- at least Council believe</p> <p>6 that they've approved budgets that are not</p> <p>7 adequately funding departments and meeting all their</p> <p>8 needs, and they know that they could never do that</p> <p>9 because of the limited resources that are available.</p> <p>10 Q. Which departments or which budgets include</p> <p>11 funding that isn't adequate for government</p> <p>12 departments that the Council has passed or approved?</p> <p>13 A. I would say the ADAMHS Board. I would say</p> <p>14 DCFS if you look at, again, the caseload sizes. I</p> <p>15 think if you went to all the department heads and</p> <p>16 directors, you would hear from them that if they had</p> <p>17 more resources they could do X and they would like</p> <p>18 to do X.</p> <p>19 We would like to find more senior homes if</p> <p>20 we could. We don't have the money to do that,</p> <p>21 senior centers in cities. We fund so many. We</p> <p>22 can't fund them all.</p> <p>23 We would like to give the ADAMHS Board --</p> <p>24 you know, they've come in and asked for 15 million</p> <p>25 sometimes. Sure, we would like to give them more</p> |

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1 money. We can't do that.  
 2 Q. Because there's a limited amount of  
 3 revenue that the county receives every year to  
 4 allocate among the government?  
 5 A. Cannot spend more than what you have.  
 6 Q. Right. And over the years the County has  
 7 received less and less funding from the State of  
 8 Ohio as the local government fund has been reduced,  
 9 correct?  
 10 A. The local government fund over time,  
 11 particularly over the last decade, has decreased.  
 12 Q. And the County experienced or collected  
 13 less revenue or has collected less revenue because  
 14 of declining property values, right?  
 15 MS. SACKS: Objection.  
 16 THE WITNESS: I don't know particularly  
 17 what's historically happened. The last reappraisal  
 18 that just ended for this calendar year, the property  
 19 values have increased.  
 20 BY MR. MOONEY:  
 21 Q. Just because a department says that with  
 22 more resources they would like to do more doesn't  
 23 mean that Council necessarily is going to agree that  
 24 doing more is a good idea, right?  
 25 A. Not necessarily.

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1 Q. And it's possible that a department could  
 2 ask the executive for more money and Council  
 3 Executive Budish would say, "No, you don't need  
 4 funding for this particular project"?  
 5 MS. SACKS: Objection.  
 6 THE WITNESS: It's possible. I don't  
 7 know.  
 8 BY MR. MOONEY:  
 9 Q. Why does the County draft a budget, if you  
 10 know?  
 11 A. The county charter, which I would say is  
 12 like the Constitution for the county, requires that  
 13 there be a budget.  
 14 Q. And is it important that the budget  
 15 contain accurate information?  
 16 MS. SACKS: Objection.  
 17 THE WITNESS: I'm not sure what you mean  
 18 by that.  
 19 BY MR. MOONEY:  
 20 Q. The budget is made available to the  
 21 public; is that right?  
 22 A. It's a public document.  
 23 Q. Do you consider it important that the  
 24 public receives accurate information in the budget?  
 25 A. Yes.

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1 Q. Does the budget set forth the County's --  
 2 excuse me -- financial priorities?  
 3 A. I think any time a budget is recommended  
 4 by someone, that is priorities of the particular  
 5 group or individual that's presenting the budget.  
 6 Q. So the county executive's recommended  
 7 budget reflects the county executive's priorities in  
 8 terms of how spending should be allocated.  
 9 Is that your understanding?  
 10 MS. SACKS: Objection.  
 11 THE WITNESS: I can't speak to that.  
 12 BY MR. MOONEY:  
 13 Q. So you said, "I think any time a budget is  
 14 recommended by someone, that is the priorities of  
 15 the particular group or individual that's presenting  
 16 the budget," right?  
 17 A. That's what I think, yes.  
 18 Q. Okay. And so do you think that the county  
 19 executive's recommended budget reflects the county  
 20 executive's priorities?  
 21 A. I can't speak to the county executive's  
 22 priorities, so I don't know if his recommended  
 23 budgets reflects his priorities.  
 24 Q. Okay. Understanding that you can't speak  
 25 for the executive, is it your understanding that

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1 when you have the county executive's recommended  
 2 budget that it is the recommendations of the county  
 3 executive?  
 4 A. Yes. It is called the executive's  
 5 recommended budget.  
 6 Q. Right. And so it is recommended because  
 7 it is his priorities of how the money should be  
 8 spent for the County?  
 9 MS. SACKS: Objection.  
 10 THE WITNESS: I don't know.  
 11 BY MR. MOONEY:  
 12 Q. What don't you know? I'm trying to -- I'm  
 13 just trying to figure out where we're sort of not  
 14 connecting.  
 15 A. I don't know if his recommended budget  
 16 reflects his priorities. I'm not in a position to  
 17 speak to that.  
 18 Q. Okay. So it's possible that the  
 19 executive's recommended budget reflects things that  
 20 he doesn't consider a priority?  
 21 MS. SACKS: Objection.  
 22 THE WITNESS: I don't know.  
 23 BY MR. MOONEY:  
 24 Q. Okay. Is another purpose of the budget to  
 25 help guide department spending decisions?

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| <p style="text-align: right;">Page 182</p> <p>1 A. Yes. It provides the parameters around<br/>2 how a department can spend the money that they're<br/>3 appropriated.<br/>4 Q. What do you mean by "the parameters around<br/>5 how a department can spend the money that they're<br/>6 appropriated"?<br/>7 A. So as we discussed, departments are<br/>8 allocated money by personnel lines, contract lines,<br/>9 capital lines. They can't spend outside of the<br/>10 parameters that the final budget authorized.<br/>11 So if they have 100 staff that they can<br/>12 hire, they can't go outside of those parameters<br/>13 without getting an amendment to the budget.<br/>14 Q. And is it the case that the budget would<br/>15 say a department can hire 100 people, or is it that<br/>16 they have a pot of money that can go to hiring<br/>17 people and they -- and so that's assumed to account<br/>18 for 100 people?<br/>19 A. Yes, so the budget that is recommended<br/>20 comes with what's referred to -- I don't know if<br/>21 this is the proper name, but an FTE count per<br/>22 division. And those are hours, they're not<br/>23 individuals. So 280 hours is one FTE. So you can<br/>24 have technically two individuals working half that<br/>25 to make up the 280. So it's not necessarily people</p> | <p style="text-align: right;">Page 184</p> <p>1 should probably know that before it gets to Council<br/>2 so you're prepped. Is that the types of<br/>3 conversations you're talking about?<br/>4 A. If we know it prior to it coming before<br/>5 us, we potentially, I mean, not in every case<br/>6 because, you know, things are always changing with<br/>7 the budget, that's something we could mention to<br/>8 them --<br/>9 Q. Okay.<br/>10 A. -- if they haven't already requested it<br/>11 before it got recommended to us from -- to them.<br/>12 Q. Gotcha. Okay. So do you know who in the<br/>13 county executive's administration is responsible for<br/>14 creating the recommended budget?<br/>15 A. I don't -- Office of Budget and<br/>16 Management. I would say then if it needed to be one<br/>17 person it would be the director of OBM.<br/>18 Q. When you were a budget analyst in the<br/>19 Office of Budget and Management, do you know who had<br/>20 responsibility for creating the budget at that time?<br/>21 A. The final creation would fall on the<br/>22 director of OBM. The analysts would play a role in<br/>23 creating the departments that they were responsible<br/>24 for, but putting it all together and seeing how all<br/>25 the pieces fit would fall on the director of the</p> |
| <p style="text-align: right;">Page 183</p> <p>1 but FTEs.<br/>2 Q. And FTE is full-time equivalent?<br/>3 A. Yes, yeah.<br/>4 Q. If a department were to determine that it<br/>5 could squeeze an extra FTE out by reducing the<br/>6 salaries of some number of employees, would that<br/>7 be -- could they do that without seeking approval of<br/>8 the Council?<br/>9 A. Council wouldn't necessarily know that if<br/>10 it's within that original parameter amount --<br/>11 Q. That you were --<br/>12 A. -- of the total dollar amount.<br/>13 Q. Okay. Do you have any role in creating<br/>14 the county executive's recommended budget?<br/>15 A. Not creating the budget.<br/>16 Q. Do you have any role in determining how<br/>17 the recommended budget from the county executive<br/>18 allocates money to different government departments?<br/>19 A. No. The only role prior to coming to the<br/>20 Council, as I mentioned earlier, was discussions<br/>21 with OBM, you know, of what's coming or, you know,<br/>22 kind of the highlights.<br/>23 Q. Right. So just the informational sessions<br/>24 to understand, you know, the ADAMHS Board is<br/>25 actually going to be asking for \$15 million, you</p>                                                                                                 | <p style="text-align: right;">Page 185</p> <p>1 department.<br/>2 Q. And who is the director of OBM today?<br/>3 A. Maggie Keenan.<br/>4 Q. And before Maggie Keenan who was the<br/>5 director of OBM?<br/>6 A. I don't know who was directly the OBM<br/>7 director prior to Maggie Keenan.<br/>8 Q. Do you know who any of the prior OBM<br/>9 directors for Cuyahoga County were?<br/>10 A. Matt Rubino.<br/>11 Q. Do you know when Mr. Rubino was the OBM<br/>12 director?<br/>13 A. I'm sorry?<br/>14 Q. Do you know when he was the OBM director?<br/>15 A. I don't have the exact dates.<br/>16 Q. Do you have a ballpark of when it was?<br/>17 A. It was early on in the new government. It<br/>18 might have been under the old commissioners too<br/>19 prior to the new government taking place, but he was<br/>20 the OBM director earlier in the new government.<br/>21 And then prior to that was Sandy Turk,<br/>22 Alexandra Turk. She went by Sandy. But that was<br/>23 under the commissioners.<br/>24 There could have been others in between.<br/>25 I just can't remember right now.</p>                                                                                                                                                                                                                     |



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| <p style="text-align: right;">Page 186</p> <p>1 Q. Okay. Do you have an understanding based<br/>2 on your experience as a legislative budget adviser<br/>3 how OBM goes about creating -- or obtaining<br/>4 information and making recommendations for their<br/>5 budget that they provide to Council?<br/>6 A. I don't think it's changed much from when<br/>7 I was an OBM analyst in terms of the analyst's role<br/>8 working with the departments, that then getting up<br/>9 to the level of the OBM director and then the OBM<br/>10 director looking at it and reviewing it.<br/>11 There may be certain things where<br/>12 department heads might go over their own department<br/>13 fiscal people and over the OBM analyst people to<br/>14 have a higher level conversation, but I wouldn't<br/>15 know. I wouldn't be aware of those.<br/>16 But I don't think it's changed much from<br/>17 when I was there in terms of how things get moving.<br/>18 Q. Do you know if any other member of the<br/>19 County Council or the council staff are involved in<br/>20 the creation of the county executive's recommended<br/>21 budget?<br/>22 A. I don't know.<br/>23 Q. Do you know if any members of the County<br/>24 Council offer recommendations for how funds should<br/>25 be allocated in the recommended budget before they</p>                                               | <p style="text-align: right;">Page 188</p> <p>1 process, in the budgeting process?<br/>2 A. I can't speak directly what OBM does with<br/>3 it prior to giving it to our clerks to put it on an<br/>4 agenda. I don't know what happens in between when<br/>5 OBM is done with the recommended budget and gets the<br/>6 okay to move forward and what happens before it<br/>7 comes to the clerk's office. I can speak to you<br/>8 what happens once it comes to the clerk's office.<br/>9 Q. Okay. So the clerk -- so after it gets to<br/>10 the clerk, the clerk puts the budget on the agenda?<br/>11 A. Yes.<br/>12 Q. And is the agenda item the budget<br/>13 resolution, or is it the recommended budget book<br/>14 that goes onto the agenda?<br/>15 A. The actual agenda item is the budget<br/>16 resolution. The budget book is received as, I would<br/>17 say, supplemental to the legislation. It's not --<br/>18 it's not part of the signed legislation. The budget<br/>19 book is an additional document.<br/>20 Q. Earlier you mentioned that the resolution<br/>21 allocates funding among personal services, contracts<br/>22 and expenses, and then sometimes there's a capital<br/>23 budget line item, right?<br/>24 A. Yeah.<br/>25 Q. So how -- what role, if any, is there</p> |
| <p style="text-align: right;">Page 187</p> <p>1 receive the final recommended budget from OBM?<br/>2 A. So not directly during the budget prep for<br/>3 the recommended budget, but if there are programs or<br/>4 ordinances that Council may adopt throughout the<br/>5 year, and if there is, say, like a funding that is<br/>6 dedicated in future years, it's codified. So that<br/>7 doesn't necessarily direct that it has to be<br/>8 included in the executive's recommended budget, but<br/>9 we know we're planning to spend those dollars in<br/>10 future years.<br/>11 Q. And so it is -- are you aware of any<br/>12 communications between members of County Council and<br/>13 members of the county executive's administration in<br/>14 which the members make specific recommendations for<br/>15 how funds ought to be allocated as part of the<br/>16 budgeting process, again before they get the budget<br/>17 book and --<br/>18 A. I'm not aware of ones prior to the<br/>19 recommended budget being prepared. There could be.<br/>20 I'm not aware of any. It's more communication of<br/>21 when committee hearings are going to take place and<br/>22 stuff like that. That's really the prep prior to<br/>23 council receiving the recommended budget.<br/>24 Q. Okay. And so once the recommended budget<br/>25 is finalized by OBM, what's the next step in that</p> | <p style="text-align: right;">Page 189</p> <p>1 between the recommended budget and how -- the<br/>2 information that it contains about how the money<br/>3 will be spent and the resolution itself that<br/>4 allocates the funding?<br/>5 A. That's -- so if you're looking for more<br/>6 detail of behind the budget resolution, that's where<br/>7 the budget book would come in, the executive<br/>8 recommended budget book.<br/>9 Q. And is the recommended budget book, it's<br/>10 separate from the resolution, but is it considered<br/>11 part of the law that is passed?<br/>12 A. I don't know. That question has never<br/>13 been answered. It's not in between -- the<br/>14 resolution is multiple pages. It's not part of<br/>15 those pages.<br/>16 Q. But okay. So are there -- are there<br/>17 consequences for -- if the resolution is what the<br/>18 Council passes, are there consequences of a<br/>19 department straying from the budget book but<br/>20 adhering to the allocation of funding for personal<br/>21 services and the other actual resolution dollar<br/>22 amounts?<br/>23 A. I'm not sure what you mean by<br/>24 "consequences."<br/>25 Q. Sure. So -- off the record for a second.</p>                                                                        |

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| <p style="text-align: right;">Page 190</p> <p>1 THE VIDEOGRAPHER: Off the record.<br/> 2 (Whereupon, a recess was taken<br/> 3 from 1:54 p m. to 2:06 p m.)<br/> 4 THE VIDEOGRAPHER: We're on the record at<br/> 5 2:06.<br/> 6 BY MR. MOONEY:<br/> 7 Q. Mr. McAleer, before we broke, I had asked<br/> 8 you whether there are consequences if a department<br/> 9 strays from the budget book but adheres to the<br/> 10 allocation of funding for personal services in the<br/> 11 resolution for the budget, and you said you weren't<br/> 12 sure what I meant by consequences.<br/> 13 Does that sort of jog your memory of where<br/> 14 we were?<br/> 15 A. That's fair.<br/> 16 Q. Do you still not -- do you still need<br/> 17 clarification on what I mean by consequences?<br/> 18 A. Yeah, it's just a term that I don't<br/> 19 normally use in terms of budgeting.<br/> 20 Q. Does something happen -- does a department<br/> 21 get in trouble if -- they've been allocated, you<br/> 22 know, 100 FTEs and a thousand dollars for benefits<br/> 23 and whatever else falls in personal services and<br/> 24 that aggregates to a million dollars, and so the<br/> 25 county department is supposed to spend a million</p>         | <p style="text-align: right;">Page 192</p> <p>1 excuse me, October 8th, 2013, forwarding 2014-2015<br/> 2 biennial budget hearing schedule, Bates labeled<br/> 3 CUYAH_014434268.<br/> 4 You can take as much time as you need to<br/> 5 look through it. I will tell you that I'm going to<br/> 6 be sort of walking you through it at a pretty high<br/> 7 level just so that you can kind of know what to<br/> 8 expect with this.<br/> 9 A. I am familiar with this particular<br/> 10 schedule. It's something that we would typically do<br/> 11 for biennial budgets.<br/> 12 Q. And do you recall in 2013 forwarding the<br/> 13 biennial budget hearing schedule to Laura Roche?<br/> 14 A. This says I did.<br/> 15 Q. Okay. And who is Ms. Roche?<br/> 16 A. Roche, Laura Roche is the -- I don't know<br/> 17 her title, but the administrative type of assistant<br/> 18 to the county executive. At this point in time the<br/> 19 county executive, Ed FitzGerald.<br/> 20 Q. And is Ms. Roche still an administrative<br/> 21 assistant to the county executive?<br/> 22 A. She continued to serve the same role when<br/> 23 a new executive got elected.<br/> 24 Q. Okay. And do you know or do you remember<br/> 25 why it was you sent Ms. Roche the biennial budget</p> |
| <p style="text-align: right;">Page 191</p> <p>1 dollars on personal services.<br/> 2 If the department stays within that<br/> 3 million dollars but within the individual line items<br/> 4 is either more or less, is there any consequence or<br/> 5 problem with that happening?<br/> 6 A. I don't know if "consequence" is an<br/> 7 appropriate term. I would say what typically -- it<br/> 8 might be the reverse in terms of if a department was<br/> 9 authorized to have 100 FTEs and they only throughout<br/> 10 the year averaged 80, the consequence, to use that<br/> 11 word, might be why didn't -- where were the other<br/> 12 20, and sometimes that could be removed during the<br/> 13 next budget cycle.<br/> 14 Q. Because it's money that they --<br/> 15 A. They didn't spend.<br/> 16 Q. -- didn't think they need it? Okay.<br/> 17 (Exhibit 3 was marked for<br/> 18 identification.)<br/> 19 BY MR. MOONEY:<br/> 20 Q. I'm going to hand you a document that will<br/> 21 be marked Trevor McAleer Exhibit 3. I will hand it<br/> 22 to your counsel, slide it across the table to your<br/> 23 counsel as well.<br/> 24 This email for the record is from<br/> 25 Trevor McAleer to Laura Roche dated December --</p> | <p style="text-align: right;">Page 193</p> <p>1 hearing schedule?<br/> 2 A. So the county executive was aware of the<br/> 3 dates and times of our committee meetings and what<br/> 4 departments which are majority his at that time,<br/> 5 his, would be presenting what and when, not what<br/> 6 they would be presenting but what departments and<br/> 7 when they would be presenting.<br/> 8 Q. Okay. You clarified something possibly in<br/> 9 your answer where you said that the departments<br/> 10 which are majority of his at that time.<br/> 11 Has there been a shift in the departments<br/> 12 that are under the executive administration's --<br/> 13 A. No, I meant his, just in case there was<br/> 14 ever a her.<br/> 15 Q. Oh, I see.<br/> 16 A. So just ...<br/> 17 Q. Was it -- and below that is a message from<br/> 18 Joseph Nanni.<br/> 19 He's the chief of staff?<br/> 20 A. For County Council.<br/> 21 Q. Okay. And is it typical for the budget<br/> 22 hearing schedules to be sent through Chief of Staff<br/> 23 Nanni as opposed to some other member of the County<br/> 24 Council staff?<br/> 25 MS. SACKS: Objection.</p>                                                                                                                       |

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| <p style="text-align: right;">Page 194</p> <p>1 THE WITNESS: I will say I usually send<br/>2 them out.<br/>3 BY MR. MOONEY:<br/>4 Q. Do you know why Mr. Nanni did in 2013?<br/>5 A. I don't know under what circumstance. I<br/>6 don't think I was on leave for a newborn or anything<br/>7 during that time in my life, but I don't know. I<br/>8 can't speak to why Joe, Joe Nanni at that time sent<br/>9 out that budget document.<br/>10 Q. On the next page, which is the attachment<br/>11 ending in 269, the title is 2014-2015 Biennial<br/>12 Budget Hearing Schedule.<br/>13 And you said that this is a type of<br/>14 document that you're familiar with?<br/>15 A. Yes.<br/>16 Q. Do you create this budget hearing schedule<br/>17 as the legislative budget adviser?<br/>18 A. Yes.<br/>19 Q. And have you created the budget hearing<br/>20 schedule for each of the biennial budgets that the<br/>21 County Council has considered during your time as an<br/>22 employee of the County Council?<br/>23 A. In conjunction with the chair.<br/>24 Q. Are you employed by the county government<br/>25 or the County Council?</p>                                                                                                           | <p style="text-align: right;">Page 196</p> <p>1 right, the number 269 right here on top?<br/>2 Q. Yes.<br/>3 A. Yes.<br/>4 Q. And so is it the OBM director, Matt Rubino<br/>5 and now Ms. Keenan and possibly someone in the<br/>6 middle, are they the ones who present to Council the<br/>7 financial outlook and overview for the budget?<br/>8 A. Typically, yes. They give the kind of<br/>9 30-foot, here is what your biennial budget, your<br/>10 recommended biennial budget looks like.<br/>11 Q. And are there materials presented or<br/>12 provided to members of Council in anticipation of<br/>13 this 30-foot level?<br/>14 A. The -- typically, I can't say for every<br/>15 single financial overview outlook of the biennial<br/>16 budget, OBM will prepare a presentation.<br/>17 Q. And does that presentation contain<br/>18 information about the revenue the executive<br/>19 administration is projecting it will receive over<br/>20 the course of the budget period?<br/>21 A. Typically, yes. It would include general<br/>22 fund revenue, Health and Human Services levy revenue<br/>23 and other funds' revenue.<br/>24 Q. And does the presentations -- do the<br/>25 presentations contain information identifying</p> |
| <p style="text-align: right;">Page 195</p> <p>1 A. I'm technically employed by Cuyahoga<br/>2 County, the government. The Cuyahoga council --<br/>3 Cuyahoga County Council is, I would say, a separate<br/>4 branch of government from the executive and the<br/>5 judicial, so they're an equal branch of the<br/>6 government.<br/>7 So I work for the County Council, but I<br/>8 would say I'm employed by Cuyahoga County.<br/>9 Q. And when you receive a paycheck, is it<br/>10 coming from the Cuyahoga County government?<br/>11 A. It's coming from Cuyahoga County.<br/>12 Q. Okay. So I would like to just sort of<br/>13 walk through this schedule to make sure that I<br/>14 understand the process of how this works. And we've<br/>15 talked about this a little bit, so I'm going to try<br/>16 to streamline so we don't repeat ourselves.<br/>17 A. Okay.<br/>18 Q. But I do think it's helpful to kind of<br/>19 figure out how this process works from the County<br/>20 Council's perspective.<br/>21 So in looks like at the beginning, there's<br/>22 some presentation from the county executive's office<br/>23 who overviews the budget for the Council; is that<br/>24 right?<br/>25 A. Yes. Just you're talking about 269,</p> | <p style="text-align: right;">Page 197</p> <p>1 significant increases in expenses that are part of<br/>2 the budget?<br/>3 MS. SACKS: Objection.<br/>4 THE WITNESS: Yeah, I don't know how you<br/>5 would define "significant."<br/>6 BY MR. MOONEY:<br/>7 Q. Does it highlight -- does the 30,000-foot<br/>8 level, does it highlight specific line items that<br/>9 are going -- that the -- does it highlight specific<br/>10 line item expenses?<br/>11 A. I think both Matt Rubino and Maggie have<br/>12 tried in their presentations to draw attention to<br/>13 significant highlight changes from prior year<br/>14 budgets.<br/>15 Q. So do you know if there has been an<br/>16 instance where the presentation that the OBM manager<br/>17 provides to the Committee of the Whole that draws<br/>18 attention to the increased costs that the County is<br/>19 budgeting for that are related to opioid abuse in<br/>20 the county?<br/>21 A. I don't know.<br/>22 Q. How -- or is there a difference between<br/>23 the financial overview outlook of the biennial<br/>24 budget listed on Monday, the 21st, and then the<br/>25 budget overview initial presentation of the biennial</p>                                                   |

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| <p style="text-align: right;">Page 198</p> <p>1 budget that was scheduled to occur on the 22nd? Are<br/>2 those distinct presentations?<br/>3 A. In this particular circumstance, I don't<br/>4 know the differences between the two. There<br/>5 probably were cross -- similar cross-references, you<br/>6 know, across.<br/>7 Q. Is it -- when the executive's recommended<br/>8 budget is presented to the County Council in the<br/>9 first instance, does the county executive or has the<br/>10 county executive always presented to the Council on<br/>11 the budget?<br/>12 A. Not always.<br/>13 Q. Are there instances that you can recall<br/>14 where the county executive did not make a<br/>15 presentation to the Council to describe his<br/>16 recommended budget?<br/>17 A. I can't recall specific times when that<br/>18 did not happen, but I know it didn't happen every<br/>19 single budget update.<br/>20 Q. Has there been an instance where County<br/>21 Executive Budish did not make a presentation to<br/>22 Council regarding his recommended budget?<br/>23 A. I don't know.<br/>24 Q. Has -- did Council Executive FitzGerald<br/>25 not present his recommended budget to the County</p> | <p style="text-align: right;">Page 200</p> <p>1 the -- you said the budget is referred to the<br/>2 Committee of the Whole?<br/>3 A. Uh-huh.<br/>4 Q. Which ordinarily is chaired for these<br/>5 hearings for the budget by the finance chair --<br/>6 A. Yeah.<br/>7 Q. -- correct?<br/>8 A. At times, if they go to Health and Human<br/>9 Services departments, there has been times where the<br/>10 HHS chair might take over for briefly, but lately<br/>11 it's I think been pretty consistent with the finance<br/>12 chair.<br/>13 Q. And what -- what are the responsibilities,<br/>14 if you know, of a chair for the Committee of the<br/>15 Whole as opposed to just being a council member on<br/>16 the committee?<br/>17 A. I would -- this is oversimplifying, but<br/>18 maintaining decorum, order, during the meeting,<br/>19 calling on council members to ask questions, calling<br/>20 on representatives from the departments or the<br/>21 audience to come up, if needed, to respond to<br/>22 council members' questions, just keeping order so<br/>23 everyone is not talking over everyone.<br/>24 Q. So do they have -- do they control how<br/>25 much time is allocated to a department for their</p> |
| <p style="text-align: right;">Page 199</p> <p>1 Council?<br/>2 A. I don't think he did every single time. I<br/>3 don't know what dates he did not.<br/>4 Q. What does it mean for there to be a first<br/>5 reading of the biennial budget?<br/>6 A. So how we were talking about when an item<br/>7 goes on an agenda from the clerk's office, this<br/>8 item, in particular the 2014-'15 biennial budget,<br/>9 has a caption in the actual top of the legislation,<br/>10 and it would say something along the lines of<br/>11 County-recommended budget for the 2014 biennial<br/>12 budget, et cetera, et cetera, and that's what is<br/>13 read into the record. And then it is referred to a<br/>14 committee.<br/>15 Q. Okay. So it's not -- someone doesn't read<br/>16 line for line the entire resolution?<br/>17 A. Not the entire resolution, just the<br/>18 caption, and that's the clerk staff.<br/>19 Q. And they're reading the resolution, not<br/>20 the recommended budget, correct?<br/>21 A. They're reading --<br/>22 Q. They're reading the resolution into the<br/>23 minutes?<br/>24 A. Yeah, into the minutes of the audio.<br/>25 Q. Sure. Okay. And then it looks like</p>                   | <p style="text-align: right;">Page 201</p> <p>1 presentations?<br/>2 A. Yeah, typically try to provide the initial<br/>3 time frame for each department to get up and speak<br/>4 about their proposed recommended budget to allow for<br/>5 enough time to have follow-up questions and stuff<br/>6 like that.<br/>7 Q. And then if the time runs beyond the<br/>8 initial allocated time, is it the chair's<br/>9 responsibility to cut off questioning whenever he or<br/>10 she determines it's time?<br/>11 A. At their discretion.<br/>12 Q. When the departments present to the<br/>13 Committee of the Whole, are there documents provided<br/>14 to the committee members regarding their budget<br/>15 requests?<br/>16 A. Not all the time.<br/>17 Q. For the departments that do provide<br/>18 budget -- or documents regarding their budgets, what<br/>19 kinds of documents are provided to the Committee of<br/>20 the Whole?<br/>21 A. It varies from department to -- from<br/>22 department to department, but usually it is a<br/>23 PowerPoint form that's loaded on the screen during<br/>24 their presentation. Some may bring handouts, but if<br/>25 you're looking for more than others, more than</p>       |

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| <p style="text-align: right;">Page 202</p> <p>1 likely the presentation.</p> <p>2 Q. And when the PowerPoints are presented to</p> <p>3 the Committee of the Whole, how -- do you receive --</p> <p>4 does the council staff receive those PowerPoints</p> <p>5 ahead of time?</p> <p>6 A. We ask for them ahead of time so we can</p> <p>7 have them loaded into the system so they can be up</p> <p>8 on the video system within the committee room. It</p> <p>9 doesn't mean we always get them in time.</p> <p>10 Q. Right. Does the PowerPoint or do the</p> <p>11 presentations that the departments make reflect the</p> <p>12 budget requests in the recommended budget, or does</p> <p>13 it reflect the department's preferred budget, which</p> <p>14 may or may not be the same as the recommended</p> <p>15 budget?</p> <p>16 A. It varies.</p> <p>17 Q. So what do you mean by "it varies"?</p> <p>18 A. Some departments fall under the first part</p> <p>19 of your question, and some departments or agencies</p> <p>20 will fall under the second part.</p> <p>21 Q. So if a department in the recommended</p> <p>22 budget is budgeted \$100,000 but they thought that</p> <p>23 they should have received \$150,000, that may be in</p> <p>24 the presentation to Council that they actually think</p> <p>25 they should receive more money?</p>                    | <p style="text-align: right;">Page 204</p> <p>1 A. I don't know.</p> <p>2 Q. Have you ever had a conversation with a</p> <p>3 member of Council in which they told you a</p> <p>4 department was asking for more money and they</p> <p>5 learned that information when they were in a meeting</p> <p>6 unrelated to an official Council hearing?</p> <p>7 A. I don't think it would have been anything</p> <p>8 new from what I didn't already know.</p> <p>9 Q. When the Council -- excuse me, the county</p> <p>10 departments or agencies are getting prepared to</p> <p>11 present to the County Council, does the Council</p> <p>12 itself provide any sort of guidance as to the</p> <p>13 information that they would like to receive as part</p> <p>14 of the hearing process?</p> <p>15 A. Usually, yes. The chairperson tends to</p> <p>16 send out a memo of kind of expectations of, you</p> <p>17 know, that's where they say can you keep it within</p> <p>18 so many minutes, your opening comments; can you</p> <p>19 include this type of information, et cetera.</p> <p>20 Q. And does the memo that the chair sends to</p> <p>21 the departments provide department-specific requests</p> <p>22 for information?</p> <p>23 A. What do you mean by that?</p> <p>24 Q. So, for instance, if the sheriff's</p> <p>25 department wants to hire another 35 FTEs, and that</p>        |
| <p style="text-align: right;">Page 203</p> <p>1 A. It could be that here is what -- I'm</p> <p>2 getting recommended 100; I need the extra 50. That</p> <p>3 could fall in the individual agency or department's</p> <p>4 budget's presentation.</p> <p>5 Q. And in your experience -- well, if it</p> <p>6 isn't in the presentation and the department wanted</p> <p>7 to receive more money than is budgeted in the</p> <p>8 recommended budget, how else would the department</p> <p>9 inform the Council that they needed or were</p> <p>10 requesting more money?</p> <p>11 A. It could vary again.</p> <p>12 Q. Okay. And how would it vary?</p> <p>13 A. It could be conversations with me,</p> <p>14 conversations with my co-workers. It could be an</p> <p>15 email. It could be a letter to anyone just saying I</p> <p>16 need the 150 versus the 100.</p> <p>17 There's no set-in-stone how they could go</p> <p>18 about doing that. It could be saying something when</p> <p>19 you're grabbing a coffee somewhere, you know. But</p> <p>20 the request, not always fulfilled, but is to include</p> <p>21 it during these time slots.</p> <p>22 Q. Could the request or do you know if a</p> <p>23 department has ever requested additional funds by</p> <p>24 communicating directly with members of the County</p> <p>25 Council outside of the hearing process?</p> | <p style="text-align: right;">Page 205</p> <p>1 is a larger increase than their ordinarily is</p> <p>2 between budgets, are there instances where the</p> <p>3 Council would say, "Give us your presentation, but</p> <p>4 we really want to know about this FTE increase</p> <p>5 you're requesting," or some other sort of specific</p> <p>6 line item request?</p> <p>7 A. So I don't have all the memos in front of</p> <p>8 me, but the memos tend to request that if you're</p> <p>9 going to ask for more money, focus on that area. It</p> <p>10 doesn't always happen for administrative</p> <p>11 departments. It tends to happen more for agencies</p> <p>12 outside of the administration.</p> <p>13 Q. And when you're distinguishing between</p> <p>14 administrative departments and agencies outside the</p> <p>15 administration, are the ones that are outside the</p> <p>16 ADAMHS Board and MetroHealth and Cuyahoga County</p> <p>17 CCBH, Cuyahoga County Behavioral Health, is that an</p> <p>18 agency outside of the administration --</p> <p>19 A. I'm not familiar with Behavioral Health.</p> <p>20 I'm not familiar with that.</p> <p>21 Q. I may be making that one up. A lot of</p> <p>22 acronyms start to --</p> <p>23 A. I wasn't going to say that. Yeah, and</p> <p>24 another elected officials, so judges, prosecutor's</p> <p>25 office, their budgets.</p> |



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| <p style="text-align: right;">Page 206</p> <p>1 Q. Does the Council have to submit a budget<br/>2 to the executive that goes into the recommended<br/>3 budget?<br/>4 A. We do. We do -- I don't know if have to<br/>5 is the -- we do. We work with our council analyst,<br/>6 the OBM analyst. We have those meetings prior to<br/>7 the executive recommended budget being finalized.<br/>8 She will talk to us about what we need or is there<br/>9 anything new or anything like that, and we go<br/>10 through that same process.<br/>11 Q. So other than the memos -- excuse me --<br/>12 which may or may not ask for specific information,<br/>13 are there other processes through which members of<br/>14 council are able to request additional information<br/>15 from departments ahead of the budget hearings so<br/>16 that the budget department representatives know what<br/>17 they should be prepared to discuss?<br/>18 A. I don't know of any specifics, but there<br/>19 could be.<br/>20 Q. Do you know if it's ever happened before,<br/>21 that a member -- where a member has either asked the<br/>22 department head directly or asked one of the staff<br/>23 of the Council to ask a department head?<br/>24 A. I think it has happened. I can't give you<br/>25 a specific. It would more than likely go to me and</p> | <p style="text-align: right;">Page 208</p> <p>1 budget requests during the hearings themselves?<br/>2 A. Typically by the time the hearing is ready<br/>3 there wouldn't be any more professional interaction.<br/>4 It would be social.<br/>5 Q. Do you interact with members of Council<br/>6 during the hearings themselves, the budget hearings?<br/>7 A. Occasionally.<br/>8 Q. Okay. And what are those interactions?<br/>9 A. They'll come back, and if they're ready to<br/>10 take a break, they'll just ask me a question of what<br/>11 was that number or can you get me -- can you follow<br/>12 up or ask this follow-up question, which we always<br/>13 have follow-up questions pretty much for every<br/>14 department.<br/>15 Q. Have any of the follow-up questions that<br/>16 the council members have asked you to convey to the<br/>17 department heads ever been related to opioid abuse<br/>18 in Cuyahoga County?<br/>19 A. I don't know.<br/>20 Q. You don't remember, or you --<br/>21 A. I don't remember.<br/>22 Q. Are there minutes of the -- reflecting the<br/>23 discussions that occurred during the budget<br/>24 hearings?<br/>25 A. It's committee meetings, so there are</p>                                                                            |
| <p style="text-align: right;">Page 207</p> <p>1 say it would be, Dear X Department, please come<br/>2 prepared to talk about these things at the committee<br/>3 hearing, the budget hearing.<br/>4 Q. Do you attend the budget hearings?<br/>5 A. Yes.<br/>6 Q. And what is your role as the legislative<br/>7 budget adviser during those hearings?<br/>8 A. For the most part, I'm in the room. I<br/>9 don't have to participate a lot in those<br/>10 conversations. There has been times where I might<br/>11 have to get up to the podium and ask -- or answer a<br/>12 question, but I don't actively publicly participate<br/>13 in those meetings. I'm more to hear what the<br/>14 departments are saying or asking for so I can be<br/>15 prepared to staff the council members, you know,<br/>16 during or after if they have follow-up questions;<br/>17 "Oh, what did Department Director X mean by this<br/>18 statement," or something like that.<br/>19 Q. Do you interact with any of the department<br/>20 representatives during the hearings themselves?<br/>21 A. If they're -- I know most of them. By<br/>22 interact, what do you mean?<br/>23 Q. About with respect to the budget itself as<br/>24 opposed to social interaction, but do you have any<br/>25 responsibility to interface with them about their</p>          | <p style="text-align: right;">Page 209</p> <p>1 minutes of each committee meeting.<br/>2 Q. And do those minutes reflect everything<br/>3 that was said during a particular meeting?<br/>4 A. No.<br/>5 MS. SACKS: Objection.<br/>6 BY MR. MOONEY:<br/>7 Q. Other than the PowerPoints -- excuse me --<br/>8 and the sometimes separate hard-copy documents, are<br/>9 there other documents that are prepared by<br/>10 department or agency heads that are used for the<br/>11 budgeting process that are shared with Council, the<br/>12 County Council?<br/>13 A. It would be the follow-up questions. That<br/>14 would be an additional document that would end up<br/>15 being distributed and shared with council members.<br/>16 Q. Other than the Child and Family Services<br/>17 request for funding related to social workers and<br/>18 the sheriff's department for the jail and the<br/>19 overtime payments for both CFS and the sheriff's<br/>20 department, the MetroHealth funding, the ADAMHS<br/>21 Board, has there been an instance of a department<br/>22 requesting more money than is budgeted to them<br/>23 through the recommended budget because of the<br/>24 problems of opioid abuse in Cuyahoga County?<br/>25 A. I don't remember right now if there are</p> |

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| <p style="text-align: right;">Page 210</p> <p>1 additional items.</p> <p>2 Q. When the departments -- that you remember,</p> <p>3 the departments that have requested additional</p> <p>4 funding to -- because of the opioid abuse problems</p> <p>5 in Cuyahoga County, did any of those departments</p> <p>6 distinguish between prescription opioid abuse and</p> <p>7 illegal opioid abuse?</p> <p>8 A. I don't know.</p> <p>9 Q. Do you know if any of the departments that</p> <p>10 requested additional funding made a distinction</p> <p>11 between prescription opioid abuse and heroin abuse?</p> <p>12 A. I don't know.</p> <p>13 Q. If a department had made such a</p> <p>14 distinction, would that be reflected in the</p> <p>15 documents that were shared with the Council at the</p> <p>16 hearings that you're remembering?</p> <p>17 MS. SACKS: Objection.</p> <p>18 THE WITNESS: I don't know. If the</p> <p>19 department put it in there, then yes.</p> <p>20 BY MR. MOONEY:</p> <p>21 Q. But sitting here today, you don't remember</p> <p>22 if any of the documents made a distinction between</p> <p>23 prescription and illegal opioids or between</p> <p>24 prescription opioids and heroin abuse -- or heroin?</p> <p>25 A. I don't remember.</p>    | <p style="text-align: right;">Page 212</p> <p>1 Q. Are the questions that are provided to the</p> <p>2 department heads after the hearings ones that you</p> <p>3 come up with your own too, or are they only council</p> <p>4 member questions?</p> <p>5 A. They're usually council member questions.</p> <p>6 I don't -- typically with the budget process I don't</p> <p>7 have follow-up, my own follow-up questions.</p> <p>8 Q. Do you -- before you send the questions to</p> <p>9 the department heads, do you have to receive some</p> <p>10 sort of approval from a member of the County Council</p> <p>11 to actually send the follow-up questions?</p> <p>12 A. No. I don't -- it might have happened</p> <p>13 earlier in the budget process, but as multiple</p> <p>14 biennial budget processes continue, I don't seek</p> <p>15 approval.</p> <p>16 Q. Do you share the questions that you intend</p> <p>17 to provide to the department heads to members of</p> <p>18 Council in advance of sending them to the department</p> <p>19 head?</p> <p>20 A. I don't think it's in advance. I think I</p> <p>21 do it at the same time.</p> <p>22 Q. Do you -- after the hearings end, do you</p> <p>23 participate in meetings with members of Council</p> <p>24 about the presentations that just occurred in order</p> <p>25 to understand the council members' position on</p> |
| <p style="text-align: right;">Page 211</p> <p>1 Q. Okay. So after all of the budget hearings</p> <p>2 occur, what -- you said there's usually follow-up</p> <p>3 questions.</p> <p>4 How does that follow-up question process</p> <p>5 work?</p> <p>6 A. So throughout the committee process,</p> <p>7 committee members, council members ask the</p> <p>8 questions. There are a lot "I don't know, I'll have</p> <p>9 to get back to you" answers, responses.</p> <p>10 And I follow-up with that, typically try</p> <p>11 to do it that day just so it's fresh in everyone's</p> <p>12 mind and send those follow-up questions out to all</p> <p>13 of the participating departments for that particular</p> <p>14 time frame.</p> <p>15 Q. And the questions that you compile and</p> <p>16 provide to the department heads, are those questions</p> <p>17 that council members ask?</p> <p>18 A. Yes, during the committee meeting. There</p> <p>19 could be one that they didn't think of after the</p> <p>20 fact, but it's the unanswered questions in the</p> <p>21 committee process.</p> <p>22 Q. And so during the meetings you're tracking</p> <p>23 questions that aren't answered, and then you make a</p> <p>24 note to yourself to follow up?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 213</p> <p>1 budget requests?</p> <p>2 A. What do you mean by "meetings"?</p> <p>3 Q. Discussions with members of Council about</p> <p>4 presentations.</p> <p>5 A. They're not structured or organized</p> <p>6 meetings. That usually might happen naturally after</p> <p>7 a committee meeting just as follow up from, you</p> <p>8 know, something that might have been said or</p> <p>9 something and then go from there. But ...</p> <p>10 Q. Do you know if after the hearings end the</p> <p>11 members of Council meet together to discuss the</p> <p>12 budget presentations that were provided to them in</p> <p>13 the hearings for the budget?</p> <p>14 A. I don't know if they meet individually</p> <p>15 with each other or not.</p> <p>16 Q. Does Ohio have an open records or public</p> <p>17 records law -- open meetings law? Excuse me.</p> <p>18 A. Yes.</p> <p>19 Q. And do you have an understanding of what</p> <p>20 the Ohio open meeting law requires?</p> <p>21 A. Yes, very well aware of the provisions.</p> <p>22 Q. Okay. Could you describe to me your</p> <p>23 understanding of Ohio's open meeting law?</p> <p>24 A. So I'm not going to give you the legal</p> <p>25 thing.</p>                                                                                                                                     |

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| <p style="text-align: right;">Page 214</p> <p>1 Q. Sure.</p> <p>2 A. But our -- we're always cognizant that we</p> <p>3 cannot have a majority of members in a meeting -- in</p> <p>4 a non-noticed public meeting. And we hold that true</p> <p>5 for committee meetings. So not every member -- you</p> <p>6 know, there's only five people for committees, so</p> <p>7 you can't have more than the two if you want to talk</p> <p>8 about something that happened in a committee.</p> <p>9 Q. Okay. So your understanding is that Ohio</p> <p>10 law requires that all meetings, I'm going to use the</p> <p>11 word "meetings," but all meetings between a majority</p> <p>12 of either the Council or committees of a Council</p> <p>13 would require a notice of the public hearing?</p> <p>14 A. Yes.</p> <p>15 Q. When the -- for the majority of the</p> <p>16 committee piece, because obviously with 11, more</p> <p>17 than 5, then you would need a public notice, right?</p> <p>18 A. (Nods head.)</p> <p>19 Q. And so for the committee, if there's five</p> <p>20 on a committee, is it -- how does the Council</p> <p>21 determine whether or not three council members can</p> <p>22 get together and chat? Does it have to be about the</p> <p>23 committee jurisdiction or committee matters, or is</p> <p>24 it just that three council members can't get in a</p> <p>25 room together and have a conversation?</p> | <p style="text-align: right;">Page 216</p> <p>1 A. I don't know that answer definitely. But</p> <p>2 if we're talking about a proposed ordinance that has</p> <p>3 nothing to do with Health and Human Services, you</p> <p>4 know, it's not related to the HHS committee.</p> <p>5 Q. Okay. You mentioned that you're not going</p> <p>6 to put four or five members in a room and that</p> <p>7 they're very cognizant of that because of how the</p> <p>8 circumstances that they took office under.</p> <p>9 Are you referring to the federal</p> <p>10 investigation that we discussed earlier of certain</p> <p>11 elected officials in Cuyahoga County?</p> <p>12 A. I'm talking about the new form of</p> <p>13 government, the reasons why the new form of</p> <p>14 government came in existence.</p> <p>15 Q. Okay. After -- it looks like, turning</p> <p>16 back to the attachment, 271, there's a period for</p> <p>17 public testimony.</p> <p>18 Is that the case for all of the biennial</p> <p>19 budget, there's a public testimony portion of the</p> <p>20 proceedings? It's at the bottom of 271 on</p> <p>21 November 12th.</p> <p>22 A. I don't know if it's the case for every</p> <p>23 single biennial budget process, but every Committee</p> <p>24 of the Whole agenda, even if it's not on this</p> <p>25 schedule, always has public comment.</p> |
| <p style="text-align: right;">Page 215</p> <p>1 A. Yeah, so if it's in particular around the</p> <p>2 budget, we're not going to put four or five members</p> <p>3 in a room because then you're getting -- and they're</p> <p>4 very cognizant of that just because of how the</p> <p>5 circumstances that they took office under. So they</p> <p>6 are very cognizant of that.</p> <p>7 So if we have to, you know, we can do two</p> <p>8 to three; I'll give them, you know, quick budget</p> <p>9 overviews. But we can't go beyond that.</p> <p>10 Q. I see. So you would have multiple</p> <p>11 meetings with sort of groups of Council so that you</p> <p>12 don't -- there doesn't need to be a public --</p> <p>13 A. Yeah, if they're --</p> <p>14 Q. -- hearing?</p> <p>15 A. If it's needed, I mean in terms of budget</p> <p>16 prep here is the department heads, like even if it's</p> <p>17 just going over the schedule, we're like okay, can't</p> <p>18 be more than three people.</p> <p>19 Q. And so if it were -- if there were three</p> <p>20 members of the Health and Human Services committee</p> <p>21 and they wanted to get together to discuss some</p> <p>22 non-Health and Human Services committee business, is</p> <p>23 there any issue with them doing that?</p> <p>24 A. I'm not aware of any issue.</p> <p>25 Q. Okay.</p>                                                                       | <p style="text-align: right;">Page 217</p> <p>1 Q. So during your time as the legislative</p> <p>2 budget adviser, has there been an instance of public</p> <p>3 comment seeking additional funding to address the</p> <p>4 problems of opioid abuse in Cuyahoga County?</p> <p>5 A. I don't know.</p> <p>6 Q. Do you know if anyone during the public</p> <p>7 comment period has requested or advocated for</p> <p>8 additional funding to address the problems of</p> <p>9 prescription opioid abuse in Cuyahoga County?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know if anyone has spoken during</p> <p>12 the public testimony portion of any hearing to</p> <p>13 advocate or request more funding to address problems</p> <p>14 of heroin abuse in Cuyahoga County?</p> <p>15 A. I don't know.</p> <p>16 Q. Has -- during the public testimony, has</p> <p>17 anyone ever advocated for additional -- for the</p> <p>18 County providing additional services to address the</p> <p>19 problems of opioid abuse in Cuyahoga County?</p> <p>20 A. I don't know.</p> <p>21 Q. Same question for prescription opioids.</p> <p>22 A. I don't know.</p> <p>23 Q. Same question for heroin.</p> <p>24 A. I don't know.</p> <p>25 Q. Below the public testimony, it says</p>                                                                                               |

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| <p style="text-align: right;">Page 218</p> <p>1 Departmental Appeals.</p> <p>2 What is that, if you know?</p> <p>3 A. That is a time slot that would be</p> <p>4 available for departments to come in and give</p> <p>5 another, another chance at their funding request.</p> <p>6 Q. Can any department appeal -- make an</p> <p>7 appeal to the Council for additional funding during</p> <p>8 this departmental appeal process?</p> <p>9 A. There's nothing that would prohibit</p> <p>10 someone from coming in.</p> <p>11 Q. And how would a department know that they</p> <p>12 ought to come in and appeal and that they're not</p> <p>13 receiving the funding that they're going to get --</p> <p>14 or they requested? Excuse me.</p> <p>15 A. What do you mean by that? I'm sorry.</p> <p>16 Q. I'm just wondering at what point does the</p> <p>17 department learn that they're probably not going to</p> <p>18 get the money that they wanted, and so they should</p> <p>19 come in and participate in this departmental appeal</p> <p>20 process?</p> <p>21 A. I can't speak for when individual</p> <p>22 department heads know for sure. If you look at how</p> <p>23 committee presentations go, if you're a department</p> <p>24 head, you can hear the questions. You can hear</p> <p>25 them, council members, speak about their requests.</p> | <p style="text-align: right;">Page 220</p> <p>1 Q. On the next page, 272, there's a reference</p> <p>2 to a substitute version accepted including all</p> <p>3 amendments.</p> <p>4 A. Yes.</p> <p>5 Q. Do you know what that means?</p> <p>6 A. Yes. So that would be in this particular</p> <p>7 example the meeting where council members would move</p> <p>8 forward their amendments, their proposed amendments.</p> <p>9 It could be there will be times where Office of</p> <p>10 Budget and Management, which we refer to as</p> <p>11 technical amendments; it's not any additional</p> <p>12 increases for new staffing or anything of that</p> <p>13 nature. But if -- if the benefits calculation was</p> <p>14 off for certain departments, we would -- that would</p> <p>15 be a technical amendment example. That would be the</p> <p>16 day where all of it is discussed, and Council would</p> <p>17 consider all the amendments.</p> <p>18 Q. And so the amendment process that we</p> <p>19 discussed earlier that you sometimes play a role in</p> <p>20 is there are either amendments that are separate</p> <p>21 resolutions or sometimes line-item edits directly to</p> <p>22 the original resolution, right?</p> <p>23 A. Yes. It gets all incorporated into that</p> <p>24 new version that would ultimately be substituted</p> <p>25 from a resolution perspective.</p> |
| <p style="text-align: right;">Page 219</p> <p>1 You may or may not be able to get a sense of where a</p> <p>2 department is headed.</p> <p>3 We -- I don't know in this particular</p> <p>4 example, but council members may during any of these</p> <p>5 committee meetings start talking about what</p> <p>6 amendments he or she would make or proposed</p> <p>7 amendments to the budget, so you might get a sense</p> <p>8 from there.</p> <p>9 Q. So it's sort of a reading the tea leaves,</p> <p>10 or there may be a statement that someone says you're</p> <p>11 probably not going to get that money, is that</p> <p>12 generally correct?</p> <p>13 A. You can get a general sense. You might</p> <p>14 not have a definite answer either way, but you could</p> <p>15 have a sense.</p> <p>16 Q. And then below that there's a budget</p> <p>17 update line item.</p> <p>18 Do you know what the budget update --</p> <p>19 A. I don't remember what would fall under</p> <p>20 that particular item. It might have been a time</p> <p>21 spot to allow for the OBM director to come in, and</p> <p>22 if there's any errors, technical errors or, you</p> <p>23 know, something it might have found in a 1 point --</p> <p>24 you know, big budget, you might -- that could be an</p> <p>25 opportunity, but ...</p>                                  | <p style="text-align: right;">Page 221</p> <p>1 Q. Okay. So when you get to the second</p> <p>2 reading, that second reading is of whatever the</p> <p>3 final product of the budget is that -- the original</p> <p>4 budget plus any amendments and technical or</p> <p>5 substantive?</p> <p>6 A. And you hope by second reading it is the</p> <p>7 final.</p> <p>8 Q. Okay.</p> <p>9 A. Nothing prohibits anyone from bringing</p> <p>10 forward additional amendments. But in years past,</p> <p>11 when it gets to the second reading, preparation for</p> <p>12 a third reading passage, it tends to be the final</p> <p>13 document. But I just wanted to --</p> <p>14 Q. So it's possible there could be additional</p> <p>15 amendments?</p> <p>16 A. It's possible.</p> <p>17 Q. Okay, that makes sense.</p> <p>18 In many -- does the version that is</p> <p>19 ultimately passed after a third reading, a version</p> <p>20 of the budget resolution with all of the amendments</p> <p>21 and changes that may have occurred over the course</p> <p>22 of the hearing process, is that resolution --</p> <p>23 does -- excuse me.</p> <p>24 Does that resolution reflect the budget</p> <p>25 numbers in the county executive's recommended</p>                                                                                                                                         |

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| <p style="text-align: right;">Page 222</p> <p>1 budget?</p> <p>2 MS. SACKS: Objection.</p> <p>3 THE WITNESS: I don't know what you mean</p> <p>4 by that.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Sure. That's fair. That wasn't a very</p> <p>7 clean question.</p> <p>8 There's a -- so you go through all these</p> <p>9 amendments and you have a recommended budget.</p> <p>10 Presumably some of the numbers in the</p> <p>11 resolution that is ultimately passed are different</p> <p>12 than the ones that were in the original recommended</p> <p>13 budget, correct?</p> <p>14 A. Yes. If there are amendments, they would</p> <p>15 not be the same.</p> <p>16 Q. And so does anybody, to your knowledge, go</p> <p>17 back to the recommended budget and make changes so</p> <p>18 that it reflects the amount of money that's</p> <p>19 allocated in the budget resolution that the Council</p> <p>20 passes and the executive signs?</p> <p>21 MS. SACKS: Objection.</p> <p>22 THE WITNESS: So in terms of the amendment</p> <p>23 process, when -- using this as an example,</p> <p>24 November 18th, if Council approved all the technical</p> <p>25 and written amendments that are on the table,</p>                                                     | <p style="text-align: right;">Page 224</p> <p>1 where I would say where you have to go look.</p> <p>2 Q. Okay. And do you know if the -- do you</p> <p>3 know if any --</p> <p>4 THE VIDEOGRAPHER: Off the record.</p> <p>5 (Whereupon, a recess was taken</p> <p>6 from 2:49 p m. to 2:53 p m.)</p> <p>7 THE VIDEOGRAPHER: On the record, 2:53.</p> <p>8 BY MR. MOONEY:</p> <p>9 Q. Mr. McAleer, I want to talk a little bit</p> <p>10 about how the follow-up question process works in</p> <p>11 practice. We've been using the example of the</p> <p>12 ADAMHS Board at various times throughout this</p> <p>13 deposition.</p> <p>14 So what is your understanding of what the</p> <p>15 ADAMHS Board is, if you have an understanding of</p> <p>16 what it is?</p> <p>17 A. They are the alcohol, mental health and</p> <p>18 addiction services board.</p> <p>19 Q. And are -- is the ADAMHS Board of Cuyahoga</p> <p>20 County a part of the Cuyahoga County government?</p> <p>21 A. They are a part of a significant amount of</p> <p>22 money that is received from Cuyahoga County. I</p> <p>23 can't legally give you an answer if they're part of</p> <p>24 Cuyahoga County government or not.</p> <p>25 Q. Do you have an understanding of the types</p>                                         |
| <p style="text-align: right;">Page 223</p> <p>1 whatever got adopted, that list goes back to OBM.</p> <p>2 OBM prepares that new version of the line item</p> <p>3 document, the resolution.</p> <p>4 BY MR. MOONEY:</p> <p>5 Q. Okay.</p> <p>6 A. Does that --</p> <p>7 Q. That makes sense. I guess my question is,</p> <p>8 so there was a recommended budget and a proposed</p> <p>9 resolution at the very beginning of the process when</p> <p>10 it gets to Council, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And so over time the resolution gets</p> <p>13 amended and the numbers change or can change.</p> <p>14 Does the recommended budget book, is that</p> <p>15 document updated as well, or does that remain static</p> <p>16 as the resolutions are changed?</p> <p>17 A. I don't know if the recommended budget</p> <p>18 book changes with the amendments.</p> <p>19 Q. Okay. So is there -- so if I were looking</p> <p>20 at a budget, I would also want to look at the</p> <p>21 resolution to know that the number that's budgeted</p> <p>22 in the recommended budget is the number that was</p> <p>23 ultimately approved?</p> <p>24 A. Yeah. If you're looking for an accurate</p> <p>25 number, it's the approved resolution document is</p> | <p style="text-align: right;">Page 225</p> <p>1 of services that the ADAMHS Board provides to their</p> <p>2 service recipients?</p> <p>3 A. Very general understanding. I couldn't</p> <p>4 get into specifics of exact services that they</p> <p>5 provide.</p> <p>6 Q. So at a general level, what is your</p> <p>7 understanding of the types of services the ADAMHS</p> <p>8 Board provides?</p> <p>9 A. Yeah, I know they provide residential,</p> <p>10 residential patient services, outpatient services</p> <p>11 for mental health, individuals with mental health</p> <p>12 issues, addiction services, alcohol-related</p> <p>13 services. They fund other nonprofits and other</p> <p>14 groups that provide these services. But passed</p> <p>15 that, I can't get into the details of what exactly</p> <p>16 specific types of services they provide.</p> <p>17 Q. Did does the ADAMHS Board, to your</p> <p>18 knowledge, provide opioid addiction services?</p> <p>19 A. I don't know that.</p> <p>20 Q. Okay. Do you know, between the mental</p> <p>21 health services, the addiction services and the</p> <p>22 alcohol services how much of the ADAMHS Board's</p> <p>23 expenses are allocated between those?</p> <p>24 A. I don't.</p> <p>25 Q. Do you consider the employees of the</p> |



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| <p style="text-align: right;">Page 226</p> <p>1 ADAMHS Board to be experts in matters of drug<br/>2 addiction?<br/>3 A. I haven't given -- I don't know that<br/>4 answer.<br/>5 Q. Do you know if the employees of the ADAMHS<br/>6 Board specialize in drug addiction treatment?<br/>7 A. I don't know.<br/>8 Q. Do you believe that the employees of the<br/>9 ADAMHS Board understand the drug addiction issues<br/>10 that the County faces?<br/>11 MS. SACKS: Objection.<br/>12 THE WITNESS: I don't know.<br/>13 (Exhibit 4 was marked for<br/>14 identification.)<br/>15 BY MR. MOONEY:<br/>16 Q. I'm going to hand you a document that will<br/>17 be marked McAleer Exhibit 4. I will also provide<br/>18 one to your counsel, if I could get it across the<br/>19 table.<br/>20 MS. SACKS: Thank you.<br/>21 MR. MOONEY: You're welcome.<br/>22 BY MR. MOONEY:<br/>23 Q. And this is an email from Scott Osiecki to<br/>24 you and what appears to be members of city [sic]<br/>25 council and other members of the ADAMHS Board dated</p>                                    | <p style="text-align: right;">Page 228</p> <p>1 BY MR. MOONEY:<br/>2 Q. All right. Mr. McAleer, do you know who<br/>3 Scott Osiecki is?<br/>4 A. I do.<br/>5 Q. Okay. And who is Mr. Osiecki?<br/>6 A. He is the current -- I don't know exact<br/>7 title -- CEO of the ADAMHS Board. At this point in<br/>8 time he was not the CEO.<br/>9 Q. At this point in time, at least according<br/>10 to his signature line, it looks like he was the<br/>11 director of external affairs; is that right?<br/>12 A. Based off his signature line.<br/>13 Q. In your role as a legislative budget<br/>14 adviser, were you -- was Mr. Osiecki your point of<br/>15 contact when you had communications with members of<br/>16 the ADAMHS Board -- or employees of the ADAMHS<br/>17 Board? Excuse me.<br/>18 A. It would typically be Scott as well as<br/>19 Mr. Denihan.<br/>20 Q. And Mr. Denihan in 2013 was the CEO --<br/>21 A. CEO.<br/>22 Q. -- of the ADAMHS Board?<br/>23 A. Yes, sir.<br/>24 Q. The attachment to the email that starts at<br/>25 185 -- or ends at 185 is titled ADAMHS Board of</p>                                                                                                                                                                  |
| <p style="text-align: right;">Page 227</p> <p>1 November 19th, 2013, Subject line ADAMHS Board<br/>2 response to Cuyahoga County Council follow-up<br/>3 questions, and it's Bates labeled Cuyahoga -- or<br/>4 CUYAH_014408184.<br/>5 Again, as with this, I'm going to ask you<br/>6 a couple general questions about it, about the<br/>7 document, but please take the time that you need to<br/>8 familiarize yourself with it.<br/>9 All set --<br/>10 A. Yes.<br/>11 Q. -- as best as you can be?<br/>12 First of all, do you remember receiving<br/>13 this email marked McAleer Exhibit 4 in November of<br/>14 2013?<br/>15 A. I see my name. I don't specifically<br/>16 remember receiving this, the email.<br/>17 Q. But the fact that this email includes your<br/>18 name stands to reason that you received this email?<br/>19 A. Yes.<br/>20 MR. MOONEY: We can go off the record.<br/>21 THE VIDEOGRAPHER: Off the record, 2:59.<br/>22 (Whereupon, a recess was taken<br/>23 from 2:59 p.m. to 3:00 p.m.)<br/>24 THE VIDEOGRAPHER: On the record,<br/>25 3:00 p m.</p> | <p style="text-align: right;">Page 229</p> <p>1 Cuyahoga County Response to Questions respond -- or<br/>2 Requests Raised During the November 24, 2013<br/>3 Cuyahoga County Council Committee of the Whole<br/>4 Budget Hearing.<br/>5 Did I read that close to correct?<br/>6 A. Close enough.<br/>7 Q. Okay. And so is this document -- there's<br/>8 a table in the document, and there are -- the first<br/>9 column is County Council Questions/Request, and then<br/>10 the second column is ADAMHS Board Response.<br/>11 Do you see that?<br/>12 A. Yes.<br/>13 Q. And so are the questions that are listed<br/>14 in the County Council Question/Request the kind of<br/>15 questions that you would communicate to department<br/>16 heads after a budget hearing to resolve the issues<br/>17 that weren't resolved during the budget hearing<br/>18 process?<br/>19 A. I think that's an open-ended question only<br/>20 in the sense that I would ask questions and they<br/>21 would respond. I don't know if I specifically asked<br/>22 these specific questions to them or if they were<br/>23 tracking their own follow-up questions.<br/>24 Q. I see. So sometimes the department heads<br/>25 would recognize that there were unanswered questions</p> |

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| <p style="text-align: right;">Page 230</p> <p>1 that they themselves wanted to answer for the</p> <p>2 Council even if you never specifically requested</p> <p>3 them?</p> <p>4 A. That could happen, yes.</p> <p>5 Q. And is the question and answer table or</p> <p>6 question and response table that the ADAMHS Board</p> <p>7 provided, is this consistent with how other</p> <p>8 departments would answer questions? Would they</p> <p>9 provide similar tables?</p> <p>10 A. There wasn't consistency on how each</p> <p>11 individual department would respond.</p> <p>12 Q. Okay. So there wasn't a set process for</p> <p>13 how the responses would be provided back to the</p> <p>14 members of Council?</p> <p>15 A. That's correct.</p> <p>16 Q. If you turn to the page ending in 186.</p> <p>17 A. Question 4?</p> <p>18 Q. Question 4, "Provide a list of county</p> <p>19 agencies/departments that you overlap services</p> <p>20 with."</p> <p>21 Do you see where it says that?</p> <p>22 A. I do.</p> <p>23 Q. Do you know if that was a question that</p> <p>24 members of Council asked -- a member of Council</p> <p>25 asked of the ADAMHS Board?</p>                                                                           | <p style="text-align: right;">Page 232</p> <p>1 A. I do.</p> <p>2 Q. Do you know what heroin prevention</p> <p>3 campaign that was approved by the chair of the</p> <p>4 Cuyahoga County Opiate Task Force is being</p> <p>5 referenced in -- excuse me -- the ADAMHS Board's</p> <p>6 response to Question Number 4?</p> <p>7 A. I do not.</p> <p>8 Q. On the page ending in 188, Question</p> <p>9 Number 10 says, "Why would the County be responsible</p> <p>10 for providing training to doctors on addiction and</p> <p>11 prescribing opiates?"</p> <p>12 Did I read that correctly?</p> <p>13 A. I didn't catch every word you said, but I</p> <p>14 think you read it correctly.</p> <p>15 Q. Okay. I will try to slow down a little</p> <p>16 bit.</p> <p>17 A. Okay.</p> <p>18 Q. Do you know if the Question Number 10 was</p> <p>19 a question that was posed by a member of the County</p> <p>20 Council during the November 2013 budget hearing</p> <p>21 process?</p> <p>22 A. I do not know.</p> <p>23 Q. Is the question "Why would the County be</p> <p>24 responsible for providing training to doctors on</p> <p>25 addiction and prescribing opiates" a question that</p>                                                    |
| <p style="text-align: right;">Page 231</p> <p>1 A. I don't know.</p> <p>2 Q. Then there's a response -- excuse me --</p> <p>3 that says, quote, "We do not overlap. We</p> <p>4 collaborate with other county agencies,</p> <p>5 collaboration with the Heroin Task Force and Board</p> <p>6 of Health." And then under that is a set of</p> <p>7 subbullets that list the ways in which the ADAMHS</p> <p>8 Board collaborates with the Heroin Task Force and</p> <p>9 the Board of Health.</p> <p>10 Do you see that?</p> <p>11 A. I do see it.</p> <p>12 Q. Do you know if after the ADAMHS Board</p> <p>13 responded by saying that they are in active</p> <p>14 participation in Cuyahoga County's Opiate Task Force</p> <p>15 if there was additional follow-up questions from the</p> <p>16 members of Council about the ADAMHS Board's</p> <p>17 participation?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know -- the last subbullet under</p> <p>20 the collaboration with heroin and task force Board</p> <p>21 of Health, there's a reference to "created a first</p> <p>22 phase of a heroin prevention campaign that was</p> <p>23 approved by chair of the Cuyahoga County Opiate Task</p> <p>24 Force."</p> <p>25 Do you see that?</p> | <p style="text-align: right;">Page 233</p> <p>1 you have heard a member of Council ask in other</p> <p>2 circumstances?</p> <p>3 MS. SACKS: Objection.</p> <p>4 THE WITNESS: I don't know.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. The response from the ADAMHS Board says,</p> <p>7 quote, "If the money is available, it would be our</p> <p>8 role as an expert in addiction to train doctors on</p> <p>9 opiate addiction and how it leads to heroin</p> <p>10 addiction."</p> <p>11 Do you see where it says that?</p> <p>12 A. Yes, except for the typo. You said it,</p> <p>13 opiate addiction. It says "addition" on the --</p> <p>14 Q. Oh, it does. You're right. So it says</p> <p>15 "role as an expert in addition to train doctors on</p> <p>16 opiate addition."</p> <p>17 Do you think that the ADAMHS Board was</p> <p>18 going to train doctors on opiate addition, or do you</p> <p>19 think that was a typo?</p> <p>20 A. I don't know for sure, but I believe it</p> <p>21 was a typo.</p> <p>22 Q. Do you know -- do you know whether the</p> <p>23 County Council approved -- made money available for</p> <p>24 the ADAMHS Board to train doctors on opiate</p> <p>25 addiction and how it leads to heroin as part of the</p> |

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| <p style="text-align: right;">Page 234</p> <p>1 budget process in November of 2013?</p> <p>2 A. I don't remember.</p> <p>3 Q. If I wanted to look in a resolution of</p> <p>4 the -- from the County Council, would there be a</p> <p>5 specific line item that indicates that money was</p> <p>6 allocated to the ADAMHS Board to train doctors on</p> <p>7 opiate addiction and how it leads to heroin</p> <p>8 addiction as part of the 2013 budget process?</p> <p>9 A. There would not be a specific line item</p> <p>10 for what you just said. It would be a line item for</p> <p>11 the ADAMHS Board increase. It wouldn't be a</p> <p>12 specific line item for what you just referenced.</p> <p>13 Q. And so if the ADAMHS Board received an</p> <p>14 additional amount of funding, if they then took that</p> <p>15 money and spent it on something other than training</p> <p>16 doctors on opiate addiction and how it leads to</p> <p>17 heroin addiction, would there be a way that I could</p> <p>18 determine that that money was used for some other</p> <p>19 purpose in a document that the County Council has or</p> <p>20 sees?</p> <p>21 A. Not a document that County Council has. I</p> <p>22 think the ADAMHS Board would have to provide that</p> <p>23 information.</p> <p>24 Q. And do you know -- well, you already said</p> <p>25 you don't know whether the funding was -- you don't</p> | <p style="text-align: right;">Page 236</p> <p>1 Q. Okay. And do you know sitting here today</p> <p>2 whether this statement from the ADAMHS Board that</p> <p>3 doctors have told them that medical schools and</p> <p>4 residency programs have placed little emphasis on</p> <p>5 educating future physicians about addiction --</p> <p>6 THE COURT REPORTER: Counsel.</p> <p>7 MR. MOONEY: Sorry.</p> <p>8 THE COURT REPORTER: It's getting late.</p> <p>9 Medical schools and residency?</p> <p>10 BY MR. MOONEY:</p> <p>11 Q. -- programs have placed little emphasis on</p> <p>12 educating future physicians about addiction, do you</p> <p>13 know whether that statement is accurate?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you know whether future physicians are</p> <p>16 poorly trained to recognize and treat addictive</p> <p>17 disorders?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know whether any members of Council</p> <p>20 followed up with the ADAMHS Board about the</p> <p>21 statement in response to Question 10 about the</p> <p>22 training of physicians about addiction --</p> <p>23 A. I'm not aware --</p> <p>24 Q. -- and addictive disorder?</p> <p>25 A. -- of any follow-up.</p> |
| <p style="text-align: right;">Page 235</p> <p>1 know whether this funding was appropriated to the</p> <p>2 ADAMHS Board for this purpose?</p> <p>3 A. Not in this time, 2013.</p> <p>4 Q. The next bullet says, "Doctors have told</p> <p>5 us that medical schools and residency programs have</p> <p>6 placed little emphasis on educating future doctors</p> <p>7 [sic] about addiction and are poorly trained to</p> <p>8 recognize and treat addictive disorders. Thus, we</p> <p>9 would provide the training."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes. You said doctors instead of</p> <p>12 physicians, but ...</p> <p>13 Q. You're right, "educating future physicians</p> <p>14 about addiction."</p> <p>15 A. I just don't want to mis --</p> <p>16 Q. No, that's fine. I appreciate you</p> <p>17 correcting the record.</p> <p>18 So, "Doctors have told us that medical</p> <p>19 schools and residency programs have placed little</p> <p>20 emphasis on educating future physicians about</p> <p>21 addiction and are poorly trained to recognize and</p> <p>22 treat addictive disorders. Thus, we would provide</p> <p>23 the training."</p> <p>24 Is that right?</p> <p>25 A. Yes, sir.</p>                                                                                                                                                                                             | <p style="text-align: right;">Page 237</p> <p>1 Q. If you would go to the next page that ends</p> <p>2 in 81 -- or 189, 8189.</p> <p>3 At the top it indicates that the ADAMHS</p> <p>4 Board was requesting \$10,715,000 for adult mental</p> <p>5 health and addiction treatment services.</p> <p>6 Is that correct?</p> <p>7 A. That's what it says here, yes.</p> <p>8 Q. And under the Program Category column in</p> <p>9 the table, there's a row titled Prevention, and</p> <p>10 under that it says Priority 1.</p> <p>11 Do you see where it says that?</p> <p>12 A. Yes, the bottom of the page.</p> <p>13 Q. Yes. Do you know what it means in this</p> <p>14 document that prevention is described as Priority 1?</p> <p>15 A. I don't know what the ADAMHS Board meant</p> <p>16 by that.</p> <p>17 Q. Okay. Do you see there's -- in that same</p> <p>18 major column, there are a series of subcolumns, one</p> <p>19 of which is Opiate/Heroin Prevention &amp; Education</p> <p>20 Campaign.</p> <p>21 A. Yes.</p> <p>22 Q. And it says requesting annual funding of</p> <p>23 \$200,000.</p> <p>24 A. Yes.</p> <p>25 Q. Do you know whether the ADAMHS Board -- or</p>                                         |

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| <p style="text-align: right;">Page 238</p> <p>1 whether the County Council approved funding for that<br/>2 project?<br/>3 A. I don't know.<br/>4 Q. At the page ending in 8192, there is a<br/>5 table describing the children's mental health and<br/>6 addiction treatment services additional funding<br/>7 request from the ADAMHS Board of Cuyahoga County.<br/>8 Do you see that?<br/>9 A. Yes, sir.<br/>10 Q. It says that they are requesting<br/>11 \$5,470,000 of additional funding requested for new<br/>12 programs --<br/>13 A. Yes.<br/>14 Q. -- or to enhance current programs?<br/>15 A. Yes, sir.<br/>16 Q. And prevention expansion is listed as a<br/>17 Priority 1.<br/>18 Is that right?<br/>19 A. That's correct.<br/>20 Q. Do you understand that Priority 1 here<br/>21 means that it is the number one priority of the<br/>22 ADAMHS Board in terms of the various program<br/>23 categories listed in this table?<br/>24 A. I don't know what ADAMHS Board meant by<br/>25 Priority 1 here.</p> | <p style="text-align: right;">Page 240</p> <p>1 some portion of the \$5,470,000 that the ADAMHS Board<br/>2 was requesting for the Children Mental Health<br/>3 Treatment Services Funds, the resolution approving<br/>4 that would only include the line item of additional<br/>5 funds of whatever the approved number is, correct?<br/>6 A. Correct, for the ADAMHS Board.<br/>7 Q. And so if I wanted to know whether the<br/>8 ADAMHS Board actually implemented a Heroin/Opiate<br/>9 Prevention Campaign in the amount of \$500,000, that<br/>10 would not be reflected in the resolution, correct?<br/>11 A. That's correct.<br/>12 Q. You can set that one aside. Thanks.<br/>13 Aside from the hearing process that we've<br/>14 described so far, the OBM creates the budget, there<br/>15 are a bunch of hearings, then there's follow-up<br/>16 amendments, passage of the law, is there a process<br/>17 sort of in that larger scheme through which County<br/>18 Council members work through and assess the<br/>19 conflicting requests from the recommended budget and<br/>20 the department requests during the hearing process<br/>21 to the extent that they diverge?<br/>22 A. Could you clarify that a little bit?<br/>23 Q. Sure. So I just want to make sure that I<br/>24 haven't skipped a step in this process.<br/>25 So there are hearings where a department</p> |
| <p style="text-align: right;">Page 239</p> <p>1 Q. Do you know whether when you received this<br/>2 document you asked Mr. Osiecki or a member of the<br/>3 ADAMHS Board what they were listing as Priority 1<br/>4 and why?<br/>5 A. I don't remember.<br/>6 MS. SACKS: Hold on. Wait until he's done<br/>7 with the question.<br/>8 THE WITNESS: Sorry.<br/>9 MS. SACKS: You're answering something<br/>10 different than he is.<br/>11 Go ahead.<br/>12 MR. MOONEY: No, he's fine. I said<br/>13 Priority 1 and why, and he said he doesn't remember.<br/>14 MS. SACKS: Is that correct?<br/>15 THE WITNESS: Correct.<br/>16 MS. SACKS: Okay.<br/>17 BY MR. MOONEY:<br/>18 Q. Okay. Then there's a program of Opiate<br/>19 Heroin Prevention Campaign requesting \$500,000.<br/>20 Do you see that?<br/>21 A. Yes, sir.<br/>22 Q. Do you know if the Council approved that<br/>23 funding?<br/>24 A. I don't know.<br/>25 Q. And, again, if the Council had allocated</p>                                              | <p style="text-align: right;">Page 241</p> <p>1 head can request -- will explain the funding in the<br/>2 budget, and then if they think they need more, they<br/>3 might also make that statement to the Council. And<br/>4 then at some point the Council then has amendments<br/>5 or not to the budget based on those hearings.<br/>6 And I'm just wondering, is there an<br/>7 interim step where the members of the County Council<br/>8 get together and discuss the conflicting requests<br/>9 and how to allocate the limited resources that the<br/>10 county has from its revenue funds?<br/>11 A. If the Council members get together,<br/>12 that's where we go back to only a certain number get<br/>13 together, so it's not a full-body discussion. It<br/>14 would be one or two, max three discussion, three<br/>15 members discussion.<br/>16 Q. And if those discussions occur, are those<br/>17 discussions that you would participate in as the<br/>18 legislative budget adviser?<br/>19 A. Typically, yes.<br/>20 Q. And after those meetings occur, are there<br/>21 any -- are there any minutes of those<br/>22 less-than-majority-member meetings?<br/>23 A. There are not minutes.<br/>24 Q. Are there any documents that are exchanged<br/>25 reflecting what occurred during these</p>                                                                           |

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| <p style="text-align: right;">Page 242</p> <p>1 less-than-majority-member minutes?</p> <p>2 A. The only document that I would be aware of</p> <p>3 that would come out of that would be the proposed</p> <p>4 list of amendments that I would create listening to</p> <p>5 feedback from the council members, if they tell me,</p> <p>6 because, again, they're not required to talk to me</p> <p>7 about it.</p> <p>8 Q. And do you know whether any meetings have</p> <p>9 occurred with less than a majority of the members of</p> <p>10 the County Council during which opioid abuse was</p> <p>11 discussed?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know whether any of the meetings --</p> <p>14 whether any meetings have occurred with less than a</p> <p>15 majority of the members of the County Council during</p> <p>16 which heroin abuse in Cuyahoga County was discussed?</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know whether any meetings have</p> <p>19 occurred with less than a majority of the members of</p> <p>20 the County Council during which prescription opioid</p> <p>21 abuse in the county was discussed?</p> <p>22 A. I don't know.</p> <p>23 (Exhibit 5 was marked for</p> <p>24 identification.)</p> <p>25</p> | <p style="text-align: right;">Page 244</p> <p>1 sort of line near the top, it says that the</p> <p>2 resolution is sponsored by County Executive Budish,</p> <p>3 fiscal officer, Office of Budget and Management.</p> <p>4 Does this mean that the resolution itself</p> <p>5 was drafted by the budget -- or the Office of Budget</p> <p>6 and Management and the county executive?</p> <p>7 A. It means that they were the sponsors. It</p> <p>8 does not mean they necessarily draft it.</p> <p>9 Q. And what does it mean to be a sponsor of a</p> <p>10 resolution, if you know?</p> <p>11 A. Layman's terms, a sponsor is someone who</p> <p>12 is introducing the legislation.</p> <p>13 Q. And so can members of the -- or can the</p> <p>14 county executive introduce other resolutions to the</p> <p>15 County Council other than resolutions adopting</p> <p>16 biennial budgets?</p> <p>17 A. Yes.</p> <p>18 Q. Are there -- are there ...</p> <p>19 How many members of the County Council are</p> <p>20 required to adopt a budget resolution?</p> <p>21 A. To approve it?</p> <p>22 Q. Yes.</p> <p>23 A. Simple majority, so six. The question</p> <p>24 becomes immediately effective. You would</p> <p>25 technically need a supermajority, eight. That means</p> |
| <p style="text-align: right;">Page 243</p> <p>1 BY MR. MOONEY:</p> <p>2 Q. I'm going to hand you a document that has</p> <p>3 been marked as McAleer Exhibit 5. And I will slide</p> <p>4 it across to your counsel as well.</p> <p>5 This is a document that is titled County</p> <p>6 Council of Cuyahoga County, Ohio, Resolution</p> <p>7 Number R2017-182. And if you go to the last page of</p> <p>8 the document, it says that it is Journal CC028,</p> <p>9 December 12th, 2017.</p> <p>10 And if you want to take a moment just to</p> <p>11 look through it, I'm not going to ask you to sort of</p> <p>12 become an expert in every single part of this</p> <p>13 document, but I just wanted you to take a chance to</p> <p>14 familiarize yourself.</p> <p>15 All set?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Okay. So is this document marked as</p> <p>18 Exhibit 5 an example of a budget resolution that has</p> <p>19 been adopted and signed by the county president and</p> <p>20 the -- County Council president and the county</p> <p>21 executive?</p> <p>22 A. Yes.</p> <p>23 MS. SACKS: Objection.</p> <p>24 BY MR. MOONEY:</p> <p>25 Q. And so in the "Sponsored By" column or</p>                                                          | <p style="text-align: right;">Page 245</p> <p>1 if you get six it's a 30-day window, but when it</p> <p>2 comes to resolutions, that's not necessarily as</p> <p>3 relevant.</p> <p>4 Q. So if I understand the distinction, if it</p> <p>5 were a majority of the Council approving a</p> <p>6 resolution, then there are 30 days before the</p> <p>7 resolution becomes effective?</p> <p>8 A. Yes.</p> <p>9 Q. And what happens during those 30 days to</p> <p>10 make the resolution become effective, or is it just</p> <p>11 a waiting period?</p> <p>12 A. It's a waiting period for the most part.</p> <p>13 It's not really relevant for resolutions. It's more</p> <p>14 relevant for ordinances.</p> <p>15 Q. And is the reason that it's not as</p> <p>16 relevant for resolutions because resolutions</p> <p>17 generally pass with at least a supermajority of the</p> <p>18 Council?</p> <p>19 A. No.</p> <p>20 Q. Okay. So why is it not as relevant for</p> <p>21 resolutions?</p> <p>22 A. Resolutions tend to be more administrative</p> <p>23 work, you know, approving -- we're talking about the</p> <p>24 board appointments and approving budgets and</p> <p>25 approving agreements. The ordinances are codified,</p>                                       |



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| <p style="text-align: right;">Page 246</p> <p>1 and that 30-day window would allow, per the charter,<br/> 2 for residents to overturn, to go gather signatures<br/> 3 to overturn ordinances.<br/> 4 You can't really overturn resolutions, if<br/> 5 that makes sense.<br/> 6 Q. It makes as much sense as I think it can.<br/> 7 So in your time as the legislative budget<br/> 8 adviser, has there been an instance in which less<br/> 9 than a supermajority of the Council has voted to<br/> 10 approve a biennial operating budget resolution?<br/> 11 A. I don't know.<br/> 12 Q. On the last -- second-to-last page ending<br/> 13 in 278, it looks like there is a signature above the<br/> 14 line County Executive, and that signature appears to<br/> 15 be dated December 18th, 2017.<br/> 16 Do you see where that is?<br/> 17 A. I do.<br/> 18 Q. Do you know whose signature that is above<br/> 19 the County Executive line?<br/> 20 A. I do.<br/> 21 Q. Okay. Whose signature is that?<br/> 22 A. The county executive's.<br/> 23 Q. And is the county executive required to<br/> 24 sign all resolutions the County Council passes?<br/> 25 A. Not required to sign. If there is not a</p>                                                                                                          | <p style="text-align: right;">Page 248</p> <p>1 whereas clauses says that "The County Council hereby<br/> 2 adopts the Cuyahoga County 2018-2019 biennial<br/> 3 operating budget and capital improvement programs as<br/> 4 follows."<br/> 5 Did I read that correctly?<br/> 6 A. You did, yes.<br/> 7 Q. And then there's a spreadsheet that at the<br/> 8 bottom says it has 21 pages, and then there's a<br/> 9 second spreadsheet that is significantly shorter.<br/> 10 Do you see that?<br/> 11 A. Yes.<br/> 12 Q. Is this spreadsheet that is titled<br/> 13 2018-2019 Cuyahoga County Biennial Budget, is<br/> 14 that -- this is the budget that you were referring<br/> 15 to at the beginning of your deposition where you<br/> 16 said there are line items for services and expenses,<br/> 17 right?<br/> 18 A. Yes, these are the budget categories<br/> 19 listed here.<br/> 20 Q. Okay. And so this in -- sorry.<br/> 21 In the bottom of the page there's a -- in<br/> 22 the footer of the spreadsheet above the confidential<br/> 23 tag, it says Office of Budget and Management.<br/> 24 Do you see where it says that?<br/> 25 A. Yes.</p>                                                                                                                                                                                |
| <p style="text-align: right;">Page 247</p> <p>1 signature within ten days, it becomes effective.<br/> 2 Q. Okay. And that's reflected in Section 4<br/> 3 of the resolution? I don't know if you've had a<br/> 4 chance to sort of skim that, but it says, "Provided<br/> 5 that this resolution receives the affirmative vote<br/> 6 of at least eight members of Council, it shall take<br/> 7 effect and be enforced immediately upon the earliest<br/> 8 occurrence of any of the following," and then it<br/> 9 lists either the approval of the county executive<br/> 10 through signature, the expiration of the time during<br/> 11 which it may be disapproved by the county executive<br/> 12 under a provision of the charter.<br/> 13 Is that the ten-day window you're talking<br/> 14 about?<br/> 15 A. Yes.<br/> 16 Q. And then it looks like if the county<br/> 17 executive disapproves of the resolution, there's a<br/> 18 Council override process if the supermajority votes<br/> 19 in favor of approving it.<br/> 20 Is that consistent with your understanding<br/> 21 of how the process for resolutions works?<br/> 22 A. Yes, and all that is laid out in the<br/> 23 charter.<br/> 24 Q. Okay. So after -- turning back to the<br/> 25 beginning of the resolution, Section 1 after the</p> | <p style="text-align: right;">Page 249</p> <p>1 Q. Do you interpret -- do you have an<br/> 2 understanding of why the department of Office and<br/> 3 Budget and Management is listed in this spreadsheet?<br/> 4 A. Yes. Going back to what we were<br/> 5 discussing, after any amendments, OBM creates the<br/> 6 new numbers here. This is their report.<br/> 7 Q. Okay. And so as far as you know, this<br/> 8 report would reflect the amendments that were<br/> 9 approved through the budgeting process for the<br/> 10 biennial budget for Cuyahoga County?<br/> 11 A. This particular report, being part of the<br/> 12 signed budget resolution, would incorporate the<br/> 13 changes made through the amendment process.<br/> 14 Q. Okay. And do you know if a member of the<br/> 15 County Council staff reviews the spreadsheet that<br/> 16 the Office of Budget and Management puts together<br/> 17 for the resolution before it's ultimately signed<br/> 18 into law?<br/> 19 A. Can you describe a little bit what you<br/> 20 mean by that?<br/> 21 Q. Sure. So you said the Office of Budget<br/> 22 and Management updates the table to reflect the<br/> 23 amendments, and then presumably the amendment -- or<br/> 24 the table is returned to the County Council.<br/> 25 Does anyone on the Council staff look at</p> |

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| <p style="text-align: right;">Page 250</p> <p>1 the new chart to confirm that it is consistent with</p> <p>2 the approved amendments?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And who is responsible for that?</p> <p>5 A. I would do that.</p> <p>6 Q. Do you -- does any member of the County</p> <p>7 Council to your knowledge look through this report</p> <p>8 to ensure its consistency with the amendments that</p> <p>9 were approved through the hearing process?</p> <p>10 A. I don't know.</p> <p>11 Q. On the spreadsheet's headings, there's --</p> <p>12 the first column is the list of the various</p> <p>13 departments of the government; is that right?</p> <p>14 A. Under the -- under what column?</p> <p>15 Q. The department, the department heading.</p> <p>16 A. Yes.</p> <p>17 Q. And then there's a list or a heading that</p> <p>18 says "Fund."</p> <p>19 Do you know what the heading "Fund" refers</p> <p>20 to?</p> <p>21 A. I know what some of the funds are under</p> <p>22 the Fund. I could not tell you what every fund</p> <p>23 number listed here equates to what fund on here.</p> <p>24 Q. Okay. So the codes or the -- so, for</p> <p>25 instance, 01A001, which is the first combination of</p> | <p style="text-align: right;">Page 252</p> <p>1 of like your bank account number. That specifically</p> <p>2 ties back to where your appropriations go.</p> <p>3 So the Fund column tells you what is</p> <p>4 funding it, and then the Index code will tell you</p> <p>5 what account your money is sitting in.</p> <p>6 Q. Okay. And so do you know if the first two</p> <p>7 letters, is that -- that defines or describes the</p> <p>8 department who is receiving the funding?</p> <p>9 A. It tries to.</p> <p>10 Q. It tries to. EX is county executive?</p> <p>11 A. Executive, yes.</p> <p>12 Q. And so if a fund -- if a document has an</p> <p>13 index to EX, it is likely going to the county</p> <p>14 executive as opposed to some other government</p> <p>15 office?</p> <p>16 A. If it's a different number, then it could</p> <p>17 go somewhere else, not the executive, not the office</p> <p>18 of the county executive.</p> <p>19 Q. Okay. Do you have any understanding of</p> <p>20 what the number 016006 refers to?</p> <p>21 A. Not -- it's the numbers that were assigned</p> <p>22 when this index code was created.</p> <p>23 Q. I see. And then there's the column titled</p> <p>24 Object or headed with Object, and it lists personal</p> <p>25 services and other expenses.</p> |
| <p style="text-align: right;">Page 251</p> <p>1 letters and numbers that appears under the Fund</p> <p>2 heading, that to your knowledge refers to a specific</p> <p>3 fund of the county government?</p> <p>4 A. It refers to where the funding is coming</p> <p>5 from to fund that amount of money.</p> <p>6 Q. So, for instance, 01A001 could mean, and</p> <p>7 I'm not going to hold you to it, but that could be</p> <p>8 the code for the general fund?</p> <p>9 A. It is the code for the general fund.</p> <p>10 Q. Okay. So that's the code for the general</p> <p>11 fund?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Do you know what the code for</p> <p>14 67A100 refers to?</p> <p>15 A. I do not offhand.</p> <p>16 Q. Okay. But that's what the fund is? If I</p> <p>17 had a list of the codes, I could tie the code to the</p> <p>18 fund?</p> <p>19 A. Funding.</p> <p>20 Q. Okay. What about the column Index, do you</p> <p>21 know what that refers to?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What does the Index refer to?</p> <p>24 A. An index code as, for example, the first</p> <p>25 line EX, is what I refer to generically just as kind</p>                                                                   | <p style="text-align: right;">Page 253</p> <p>1 And we've talked about those, right?</p> <p>2 A. Yes.</p> <p>3 Q. So personal services would be the</p> <p>4 employees, money to spend on FTEs; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. It would include the benefits package for</p> <p>7 the employees?</p> <p>8 A. Yes.</p> <p>9 Q. What other personal services fall under</p> <p>10 the Object personal services to your understanding?</p> <p>11 A. It would include Medicare contributions.</p> <p>12 It would include OPRS, which is the Ohio Retirement</p> <p>13 Public Pension Fund for employees. It would include</p> <p>14 that number. It would include the benefits number.</p> <p>15 And I don't know if I'm missing anything right now</p> <p>16 that would fall under that category.</p> <p>17 Q. Does a contract for personal services, if</p> <p>18 someone is contracted to mow the lawn of the local</p> <p>19 park, is that something that would fall under</p> <p>20 personal services or other expenses, if you know?</p> <p>21 A. If it's a contracted employee, so they're</p> <p>22 not an employee of Cuyahoga County, it would fall</p> <p>23 under other expenses.</p> <p>24 Q. Okay. So if you could turn to the page</p> <p>25 ending 6271.</p>                            |

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| <p style="text-align: right;">Page 254</p> <p>1 Are you there?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Because we've been using the ADAMHS</p> <p>4 Board as our example, there's a line item that says</p> <p>5 "ADAMHS Board subsidy," and the fund says 29A392.</p> <p>6 Do you know what fund 29A392 refers to?</p> <p>7 A. I do not know specifically what that</p> <p>8 number would refer to. However, it is funded out of</p> <p>9 the Health and Human Services levy fund.</p> <p>10 Q. Okay. And then the biennial budget has</p> <p>11 \$39,363,659 budgeted for 2018 and for 2019, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Of the \$39,363,659 budgeted in 2018, how</p> <p>14 much of that amount was budgeted for opioid-related</p> <p>15 expenses?</p> <p>16 A. I don't know.</p> <p>17 Q. Of the 39 -- excuse me -- the \$39,363,659</p> <p>18 budgeted in 2018 for the ADAMHS Board, how much of</p> <p>19 that money was spent on opioid-related expenses?</p> <p>20 A. I don't know.</p> <p>21 Q. Does the County Council monitor how the</p> <p>22 budgeted funds are spent against the recommended</p> <p>23 budget that the County Council -- or the county</p> <p>24 executive provided when the budget process begins?</p> <p>25 A. What do you mean by --</p>                                                                              | <p style="text-align: right;">Page 256</p> <p>1 less money than it was allocated under the budget</p> <p>2 process?</p> <p>3 A. Yes.</p> <p>4 Q. And when that happens, the money is</p> <p>5 returned to the general fund or the original funding</p> <p>6 source?</p> <p>7 A. Correct, the original funding source.</p> <p>8 Q. Are you aware of any examples of a</p> <p>9 department spending money that was budgeted for a</p> <p>10 specific purpose on something other than that</p> <p>11 purpose?</p> <p>12 MS. SACKS: Objection.</p> <p>13 THE WITNESS: I'm aware of that, but it's</p> <p>14 related to the issue with the current investigation.</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. Okay. Other than the current -- and this</p> <p>17 is the current investigation that you've been</p> <p>18 instructed not to discuss during this deposition,</p> <p>19 right?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Other than the investigation that</p> <p>22 you're not supposed to be discussing, are you aware</p> <p>23 of any other instance of County funds being budgeted</p> <p>24 for one purpose but being used for a different</p> <p>25 purpose?</p>                                                                                                                                                                                                                                                |
| <p style="text-align: right;">Page 255</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: -- monitored?</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. Does the -- other than the monthly reports</p> <p>5 that describe how the money is being spent by</p> <p>6 various departments, does the -- is there any other</p> <p>7 process through which the County Council follows how</p> <p>8 money is being spent in a budget year and whether it</p> <p>9 is being spent on the things that the money was</p> <p>10 budgeted for by the county executive in the</p> <p>11 recommended budget?</p> <p>12 A. In addition to the monthly reports, I</p> <p>13 mentioned the quarterly reports which tend to go --</p> <p>14 OBM goes a little deeper into the projections, they</p> <p>15 also provide quarterly updates in the finance and</p> <p>16 budgeting committee.</p> <p>17 Q. And during the finance committee meetings</p> <p>18 where OBM provides updates, does OBM provide</p> <p>19 additional materials to the finance committee, or do</p> <p>20 they rely on the previously-provided monthly and</p> <p>21 quarterly reports?</p> <p>22 A. They will do a presentation on top of the</p> <p>23 reports that they provided, a PowerPoint.</p> <p>24 Q. Are there -- have there been instances</p> <p>25 that you are aware of in which a department spent</p> | <p style="text-align: right;">Page 257</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. So when we looked at the status -- staff</p> <p>3 status reports with that proposed legislation</p> <p>4 earlier where one of the members of Council was</p> <p>5 proposing legislation to address departments</p> <p>6 spending money on things that they weren't budgeted</p> <p>7 to spend the money on, was that proposed legislation</p> <p>8 necessary -- sorry, motivated by anything, if you</p> <p>9 know?</p> <p>10 A. I don't know what the council member's</p> <p>11 motivation was specifically to that concept.</p> <p>12 Q. Has the process that we've been describing</p> <p>13 for the budget hearings and the amendments and the</p> <p>14 resolutions and the voting requirements, is that --</p> <p>15 has that process been the same in your time as the</p> <p>16 legislative budget adviser as a general matter? Are</p> <p>17 there things that have changed over time than the</p> <p>18 way that we've been describing the budget process</p> <p>19 from the Council's perspective?</p> <p>20 A. As a general matter, the biennial budget</p> <p>21 processes have remained relatively the same. It</p> <p>22 could have tweaked, but not -- generally I would say</p> <p>23 it's the same.</p> <p>24 MR. MOONEY: Okay. Let's take a quick</p> <p>25 break, ten minutes if you guys all want to take some</p> |

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| <p style="text-align: right;">Page 258</p> <p>1 time to grab water, use the restroom, whatever else.</p> <p>2 MS. SACKS: Yes.</p> <p>3 THE VIDEOGRAPHER: Off the record at 3:41.</p> <p>4 (Whereupon, a recess was taken</p> <p>5 from 3:41 p.m. to 4:00 p.m.)</p> <p>6 THE VIDEOGRAPHER: We're on the record,</p> <p>7 4:00 p.m.</p> <p>8 BY MR. MOONEY:</p> <p>9 Q. Mr. McAleer, once the budget has been</p> <p>10 approved by the County Council, is there a process</p> <p>11 for -- through which a department can request</p> <p>12 additional funding from the Council between the</p> <p>13 biennial budgets?</p> <p>14 A. They request directly to the Council or to</p> <p>15 OBM?</p> <p>16 Q. Well, I guess would it go to OBM first?</p> <p>17 A. It could, yes.</p> <p>18 Q. Okay. And then would -- if OBM approved a</p> <p>19 request for funding, does it get before the Council</p> <p>20 for their consideration?</p> <p>21 A. It does, yes.</p> <p>22 Q. Okay. And where -- does the Council have</p> <p>23 to pass a new resolution appropriating additional</p> <p>24 funding as part of the -- as part of that process?</p> <p>25 A. It approves a separate resolution that we</p>                                                                                                            | <p style="text-align: right;">Page 260</p> <p>1 A. Specifically I recall some grants that we</p> <p>2 received, that we the County, being additionally</p> <p>3 appropriated on the fiscal -- the biweekly fiscal</p> <p>4 agendas.</p> <p>5 Q. And are you aware of any biweekly fiscal</p> <p>6 agendas that allocate additional funding to a</p> <p>7 department related to opioid abuse or addiction in</p> <p>8 Cuyahoga County for which the funds came from the</p> <p>9 County's general fund?</p> <p>10 A. I don't know.</p> <p>11 Q. Are you aware of any such biweekly fiscal</p> <p>12 agendas for which the funding came from the Health</p> <p>13 and Human Services levy?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you recall the grant that the County</p> <p>16 received for which the opioid funding was going to</p> <p>17 come, what that grant was for?</p> <p>18 A. I don't know offhand.</p> <p>19 Q. Are there instances in which a request for</p> <p>20 additional funding is presented to Council but is</p> <p>21 not approved by the County Council?</p> <p>22 A. Do you mean in general, anything?</p> <p>23 Q. Yeah.</p> <p>24 A. I don't recall of any specific instance</p> <p>25 where something wasn't approved. It could have</p>                                              |
| <p style="text-align: right;">Page 259</p> <p>1 refer to as the biweekly fiscal agenda, and that</p> <p>2 appears on most Council agendas throughout the year</p> <p>3 Q. And are the biweekly fiscal agendas ones</p> <p>4 for which there is a resolution that's passed by the</p> <p>5 County Council?</p> <p>6 A. Yes, it has to be done by resolution.</p> <p>7 Q. And do those biweekly agenda resolutions,</p> <p>8 would they reflect the reason that the additional</p> <p>9 funding is being approved?</p> <p>10 A. Yes.</p> <p>11 Q. So, for instance --</p> <p>12 A. Yes, in most instances. There's a</p> <p>13 description for each additional request or decrease.</p> <p>14 It doesn't always have to be a request.</p> <p>15 Q. Sure. And do you know of any biweekly</p> <p>16 fiscal agenda resolution that allocates additional</p> <p>17 funding to a department related to opioid abuse or</p> <p>18 addiction in Cuyahoga County?</p> <p>19 A. I'm aware of some biweekly fiscal agendas</p> <p>20 including additional appropriations for that.</p> <p>21 Q. Okay. Which biweekly agendas are you</p> <p>22 thinking of when you say that you're aware of some?</p> <p>23 A. I don't know what dates.</p> <p>24 Q. Okay. But what were they -- what were the</p> <p>25 appropriations for?</p> | <p style="text-align: right;">Page 261</p> <p>1 happened. I don't -- I can't remember.</p> <p>2 Q. Is that because, if you know, the requests</p> <p>3 that -- that go onto the biweekly fiscal agendas are</p> <p>4 ones that the OBM has already approved?</p> <p>5 A. What do you mean by that?</p> <p>6 Q. Well, you just say you're not -- you don't</p> <p>7 know offhand if there are instances of a biweekly</p> <p>8 fiscal agenda not being approved, and I'm wondering</p> <p>9 do you know why that is, that there are not</p> <p>10 instances that you can remember where they weren't</p> <p>11 approved.</p> <p>12 A. Council may disagree with the</p> <p>13 recommendation.</p> <p>14 Q. And if they disagree with the</p> <p>15 recommendation, does that mean that the funding</p> <p>16 would not be appropriated as part of the biweekly</p> <p>17 fiscal agenda?</p> <p>18 A. If they were to substitute or amend that</p> <p>19 particular item out of the resolution.</p> <p>20 Q. And so if that -- if the Council amended</p> <p>21 the resolution to remove a funding request from a</p> <p>22 biweekly agenda resolution, would that decision to</p> <p>23 remove it be reflected in the minutes of the Council</p> <p>24 meetings?</p> <p>25 A. The minutes would indicate that the</p> |

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| <p style="text-align: right;">Page 262</p> <p>1 biweekly fiscal agenda was amended. I can't tell<br/> 2 you into detail what it would specify.<br/> 3 Q. Is there a document that you know of that<br/> 4 would -- that would reflect that a request for<br/> 5 additional funding was made at the County Council<br/> 6 but the Council rejected that funding request?<br/> 7 A. If an item was removed from a fiscal<br/> 8 agenda, our clerk staff would indicate that as part<br/> 9 of the original fiscal agenda, but it would be<br/> 10 crossed out, like stricken out.<br/> 11 Q. And are those fiscal agendas with the<br/> 12 strike-through text, is that something that is<br/> 13 available to the public so they can see which<br/> 14 requests were approved and not approved?<br/> 15 A. Yes.<br/> 16 Q. Is there a process for reallocating<br/> 17 funding from one department to another as part of<br/> 18 the period between biennial budgets?<br/> 19 A. Yes. That would fall under the biweekly<br/> 20 fiscal agendas as well.<br/> 21 Q. And is that process of reallocating funds<br/> 22 from one department to another, is that -- does that<br/> 23 have a specific phrase or term?<br/> 24 A. Yes.<br/> 25 Q. What is it called?</p> | <p style="text-align: right;">Page 264</p> <p>1 A. Yeah.<br/> 2 Q. Sure. As an example?<br/> 3 A. Yeah.<br/> 4 Q. Okay. Are you aware of any instance in<br/> 5 which the County Council approved an appropriation<br/> 6 transfer either from -- or from one department of<br/> 7 the government to another to address issues of<br/> 8 opioid addiction in Cuyahoga County?<br/> 9 A. I don't know.<br/> 10 Q. How about for prescription opioids?<br/> 11 A. I don't know.<br/> 12 Q. Heroin?<br/> 13 A. I don't know.<br/> 14 Q. And how about are you aware of an instance<br/> 15 in which the Council authorized a transfer or an<br/> 16 appropriation transfer within the same department to<br/> 17 respond to issues of opioid abuse in Cuyahoga<br/> 18 County?<br/> 19 A. I don't know.<br/> 20 Q. How about for prescription opioid abuse?<br/> 21 A. I don't know.<br/> 22 Q. And heroin abuse?<br/> 23 A. I don't know.<br/> 24 Q. Other than through an appropriation<br/> 25 transfer or authorizing new appropriations on the</p>                                                                                                                                                       |
| <p style="text-align: right;">Page 263</p> <p>1 A. Appropriation transfers.<br/> 2 Q. So appropriation transfers would be a<br/> 3 transfer from the sheriff's department to the Child<br/> 4 and Family Services, for example?<br/> 5 A. For example.<br/> 6 Q. Okay. Is there a process by which money<br/> 7 can be reappropriated within a department, so, for<br/> 8 instance, from personal services to other expenses?<br/> 9 A. Yes.<br/> 10 Q. What is that process called?<br/> 11 A. That would also be an appropriation<br/> 12 transfer.<br/> 13 Q. Okay. I've seen reference to something<br/> 14 called a cash transfer.<br/> 15 Do you know what that is?<br/> 16 A. Yes.<br/> 17 Q. What is the cash transfer?<br/> 18 A. It's also on the biweekly fiscal agenda,<br/> 19 and that follows the appropriation transfer section.<br/> 20 That is when you're transferring cash from one fund<br/> 21 to -- from one subfund to another subfund.<br/> 22 Q. Okay. And the subfunds would be subfunds,<br/> 23 for instance, within the general fund?<br/> 24 A. It could be.<br/> 25 Q. Could be?</p>                                                                                                                                                | <p style="text-align: right;">Page 265</p> <p>1 biweekly fiscal agenda, are there any other ways in<br/> 2 which the County Council can reallocate funds from<br/> 3 the way that they were allocated as part of the<br/> 4 biennial budget process?<br/> 5 A. None that I can think of that would be on<br/> 6 top of -- in addition to the fiscal, the biweekly<br/> 7 fiscal agenda.<br/> 8 (Exhibit 6 was marked for<br/> 9 identification.)<br/> 10 BY MR. MOONEY:<br/> 11 Q. I'm going to show you or pass you a<br/> 12 document that will be marked as McAleer Exhibit 6.<br/> 13 Let me make sure I give you the right version.<br/> 14 There you are.<br/> 15 It is an email that is -- while you review<br/> 16 it I'll just read it into the record. It's an email<br/> 17 dated January 20th, 2017, from Maggie Keenan to you,<br/> 18 Subject line OBM Fiscal Items for 1/24/2017 Council<br/> 19 Agenda, labeled CUYAH ending 001730354.<br/> 20 When you've had a chance to look through<br/> 21 it, let me know, and I will ask you a couple of<br/> 22 questions about this document.<br/> 23 You all set?<br/> 24 A. Yes, sir.<br/> 25 Q. Okay. So this begins at the bottom of the</p> |



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| <p style="text-align: right;">Page 266</p> <p>1 email chain with an email from Jeanne Schmotzer?</p> <p>2 A. Schmotzer.</p> <p>3 Q. To the all-County Council Listserv as well</p> <p>4 as the all-county Council staff Listserv.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And she says that she's attaching</p> <p>8 information related to the fiscal items and backup</p> <p>9 materials from OBM for consideration at the</p> <p>10 Council's next meeting.</p> <p>11 And that attachment is not included in</p> <p>12 this email thread, correct?</p> <p>13 A. I don't see it.</p> <p>14 Q. Okay. It looks like then you respond to</p> <p>15 Dennis Kennedy and Maggie Keenan.</p> <p>16 And before -- who is Dennis Kennedy?</p> <p>17 A. Dennis Kennedy is the County's fiscal</p> <p>18 officer.</p> <p>19 Q. And does he sit in relation to seniority</p> <p>20 above Ms. Keenan, if you know?</p> <p>21 A. Based off the structure, he is a position</p> <p>22 created in the county charter, and based off how</p> <p>23 it's been organized, OBM typically reports to the</p> <p>24 fiscal officer.</p> <p>25 Q. Okay. And so you send an email to</p> | <p style="text-align: right;">Page 268</p> <p>1 Q. Okay. So now I'd like to turn back to</p> <p>2 your email.</p> <p>3 A. Yes.</p> <p>4 Q. And looking at it, I realize this would</p> <p>5 have been much easier if it had been printed in</p> <p>6 color. But under Item K, you ask the question,</p> <p>7 "What is now not being funded or what is being</p> <p>8 reduced in Work &amp; Training Administration to fund</p> <p>9 the additional \$250,000 to the ADAMHS Board to help</p> <p>10 combat the opiate addiction?"</p> <p>11 Do you see that?</p> <p>12 A. Yes, I do.</p> <p>13 Q. And then there's a response, and if you</p> <p>14 look really carefully, it looks a little bit lighter</p> <p>15 than the question, which I think was probably red in</p> <p>16 the original email that appears to</p> <p>17 Ms. Kennedy's response -- or Ms. Keenan's response.</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Sitting here today, do you believe that</p> <p>21 the response, the sentence following the question</p> <p>22 would be Ms. Keenan's response?</p> <p>23 A. I believe it is.</p> <p>24 Q. Okay. And so Ms. Keenan writes, "No</p> <p>25 services are being cut in HHS/Employment and Family</p> |
| <p style="text-align: right;">Page 267</p> <p>1 Mr. Kennedy and Ms. Keenan as well as Sharon Sobol</p> <p>2 Jordan, who was the county executive's chief of</p> <p>3 staff; is that right?</p> <p>4 A. She was, yes.</p> <p>5 Q. And then Armond Budish is the county</p> <p>6 executive, right?</p> <p>7 A. Yes.</p> <p>8 Q. And then you also include a couple members</p> <p>9 of the County Council but not the full all-County</p> <p>10 Council list, correct?</p> <p>11 A. Yes, based off what is listed here.</p> <p>12 Q. Right. Based on this document --</p> <p>13 A. Yeah.</p> <p>14 Q. -- it appears that that's -- you included</p> <p>15 a subset of the council members?</p> <p>16 A. I will say that is unusual. Usually I</p> <p>17 list all 11 council members on the questions.</p> <p>18 Q. Okay. So then you say, "Here are the</p> <p>19 questions for the fiscal agenda."</p> <p>20 Before we get to the questions, above that</p> <p>21 email Ms. Keenan writes to you and Mr. Kennedy and</p> <p>22 says, "Please see responses below in red."</p> <p>23 A. Yes.</p> <p>24 Q. Do you see that?</p> <p>25 A. Yes.</p>                                    | <p style="text-align: right;">Page 269</p> <p>1 Services. The Department is confident that it can</p> <p>2 generate additional revenue to reduce the amount</p> <p>3 needed from the levy fund that can be redirected to</p> <p>4 the crisis."</p> <p>5 Did I read that correctly?</p> <p>6 A. You did read that correctly, yes.</p> <p>7 Q. Okay. Do you know -- do you know what</p> <p>8 reductions or what the Work &amp; Training</p> <p>9 Administration is, what that refers to?</p> <p>10 A. That would refer to the index code name</p> <p>11 that we were discussing earlier on the biennial</p> <p>12 budget resolution.</p> <p>13 Q. And it appears that at least as of</p> <p>14 January 2017 the Office of Budget and Management</p> <p>15 believed that reallocating \$250,000 to combat the</p> <p>16 opiate crisis would not lead to a reduction in the</p> <p>17 services that HHS/Employment and Family Services</p> <p>18 would provide?</p> <p>19 MS. SACKS: Objection.</p> <p>20 BY MR. MOONEY:</p> <p>21 Q. Is that correct?</p> <p>22 A. The response, because -- I would add the</p> <p>23 belief that it's because the department can generate</p> <p>24 additional revenue.</p> <p>25</p>                        |

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| <p style="text-align: right;">Page 270</p> <p>1 Q. Okay. But at least as of this date, it<br/>2 appears that OBM believed that taking the \$250,000<br/>3 to respond or to combat the opiate addiction,<br/>4 because there could be another revenue source, would<br/>5 not impact the services that the HHS/Employment and<br/>6 Family Services would be able to provide; is that<br/>7 right?<br/>8 MS. SACKS: Objection.<br/>9 THE WITNESS: I don't want to speak to<br/>10 what OBM believed.<br/>11 BY MR. MOONEY:<br/>12 Q. Reading this statement, is that your<br/>13 interpretation of what OBM meant?<br/>14 A. I would say that OBM was telling us that<br/>15 nothing in HHS and Employment and Family Services<br/>16 will be reduced because the department can secure<br/>17 additional revenue.<br/>18 Q. Okay. And so just because the \$250,000<br/>19 was being -- was requested to be removed and<br/>20 transferred to the ADAMHS Board doesn't mean<br/>21 necessarily that the services, the department from<br/>22 which the funding was taken, were reduced?<br/>23 MS. SACKS: Objection.<br/>24 THE WITNESS: I don't know.<br/>25</p>                                        | <p style="text-align: right;">Page 272</p> <p>1 THE VIDEOGRAPHER: Off the record, 4:18.<br/>2 (Whereupon, a recess was taken<br/>3 from 4:18 p.m. to 4:25 p.m.)<br/>4 THE VIDEOGRAPHER: On the record, 4:25.<br/>5 BY MR. MOONEY:<br/>6 Q. Okay. Mr. McAleer, you had mentioned<br/>7 before that there is a committee of Public Safety<br/>8 and Justice Affairs as part of the County Council;<br/>9 is that right?<br/>10 A. Yes.<br/>11 Q. And before it was the county -- or the<br/>12 committee of Public Safety and Justice Affairs, it<br/>13 was just the Public Safety Committee, correct?<br/>14 A. I don't remember the exact name, but it<br/>15 was something along those lines that ultimately<br/>16 merged into the one.<br/>17 Q. Do you know if the County Council<br/>18 Committee on Public Safety in whatever iteration it<br/>19 has been named has ever held hearings about opioid<br/>20 abuse in Cuyahoga County?<br/>21 A. Can you define what you mean by "opioid<br/>22 abuse"?<br/>23 Q. Sure. Has the Public Safety Committee<br/>24 ever held a hearing about the issues of opioid abuse<br/>25 in Cuyahoga County?</p>                |
| <p style="text-align: right;">Page 271</p> <p>1 BY MR. MOONEY:<br/>2 Q. You can't say one way or the other whether<br/>3 the services would have been reduced; is that right?<br/>4 A. We asked if services would be reduced, and<br/>5 their response was that no services would be<br/>6 reduced.<br/>7 Q. And do you -- have there been other<br/>8 instances in which funding was requested to be<br/>9 transferred to a department, a new department to<br/>10 combat issues of opioid abuse where you similarly<br/>11 asked if that transfer would result in a reduction<br/>12 of services for the original department?<br/>13 A. I don't know.<br/>14 Q. You may set that aside.<br/>15 And there was coffee being made for you.<br/>16 If you want to take just like three minutes to go<br/>17 grab your coffee if you want, that would be fine.<br/>18 It's up to you.<br/>19 A. Do you two want to take a quick break to<br/>20 grab a coffee, or do you want to wait a little bit?<br/>21 MS. SACKS: Do you want a second?<br/>22 MR. RICE: It doesn't matter to me.<br/>23 THE WITNESS: I won't deny coffee, I'll<br/>24 just say that.<br/>25 MR. MOONEY: We will go off the record.</p> | <p style="text-align: right;">Page 273</p> <p>1 A. I don't know.<br/>2 Q. Do you know if issues related to opiate<br/>3 abuse in Cuyahoga County have ever been discussed as<br/>4 part of a meeting, if not the meeting -- if not the<br/>5 purpose of the meeting itself?<br/>6 A. I can say the medical examiner has been in<br/>7 the Public Safety and Justice Affairs Committee<br/>8 discussing opioid and the issues around there.<br/>9 Q. And the medical examiner, when he comes to<br/>10 present, is it usually around deaths related to --<br/>11 from opioid?<br/>12 A. Yes. It's usually the increasing number<br/>13 of deaths by year.<br/>14 (Exhibit 7 was marked for<br/>15 identification.)<br/>16 BY MR. MOONEY:<br/>17 Q. So I'm going to hand to you a document<br/>18 that will be marked McAleer Exhibit 7, and it is<br/>19 a -- I'll give it to your counsel first before I say<br/>20 what it is.<br/>21 But for the record, this is an email from<br/>22 you, Trevor McAleer, to Thomas Gilson and<br/>23 Hugh Shannon carbon copying Jan Mannion.<br/>24 Is that how you pronounce that<br/>25 individual's last name, if you know?</p> |

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| <p style="text-align: right;">Page 274</p> <p>1 A. I don't know how you say Jan's last name.</p> <p>2 Q. But this November 16th, 2012 email from</p> <p>3 you is Subject line Public Safety Meeting, Bates</p> <p>4 labeled CUYAH_014486084.</p> <p>5 If you want to take a moment just to look</p> <p>6 at it, it's a pretty short email.</p> <p>7 You all set?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So at the bottom there's an email from you</p> <p>10 dated 11/14/2012 in which you write,</p> <p>11 "Dr. Gilson/Hugh."</p> <p>12 I assume that's Dr. Gilson, the medical</p> <p>13 examiner, right?</p> <p>14 A. Dr. Gilson is the medical examiner.</p> <p>15 Q. And then Hugh Shannon, do you know what</p> <p>16 his role is with the Cuyahoga County government?</p> <p>17 A. I don't know his official title, but I</p> <p>18 would call him the administrator of the Medical</p> <p>19 Examiner's Office.</p> <p>20 Q. Okay. And you write, "Chairman Gallagher</p> <p>21 of the public safety meeting wanted to give you a</p> <p>22 heads up and invite you to his public safety in two</p> <p>23 weeks. He is going to have a follow-up on the</p> <p>24 heroin issue."</p> <p>25 Did I read that correctly?</p> | <p style="text-align: right;">Page 276</p> <p>1 THE WITNESS: I don't know his general</p> <p>2 issues.</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. So if I wanted to know why Chairman</p> <p>5 Gallagher wanted to follow up on the heroin issue at</p> <p>6 a public safety meeting that he was the chair of, I</p> <p>7 would need to go ask Mr. Gallagher, right?</p> <p>8 A. Not necessarily.</p> <p>9 Q. Okay. Who else might I talk to?</p> <p>10 A. You could look at the committee meeting</p> <p>11 from that time and see what was presented.</p> <p>12 Q. And would that committee meeting say</p> <p>13 Dr. -- or that Mr. Gallagher plans to host a</p> <p>14 follow-up on the heroin issue at the next public</p> <p>15 safety meeting?</p> <p>16 A. I don't know.</p> <p>17 Q. But if I wanted to know his reasons, not</p> <p>18 just generally what was being discussed, I would</p> <p>19 need to talk to Dr. -- or to Chairman Gallagher?</p> <p>20 MS. SACKS: Objection.</p> <p>21 THE WITNESS: I don't think necessarily</p> <p>22 you would have to do that. I think watching or</p> <p>23 listening or looking at the minutes of those</p> <p>24 committee meetings could tell you.</p> <p>25</p>                                                                                                                                                                                              |
| <p style="text-align: right;">Page 275</p> <p>1 A. Yes.</p> <p>2 Q. What did you mean when you wrote in this</p> <p>3 email that there was going to be a follow-up on the</p> <p>4 heroin issue?</p> <p>5 A. I can't specifically say that I know for</p> <p>6 sure in 2019 what I meant by follow-up from 2012,</p> <p>7 but it was some type of follow-up from something</p> <p>8 that happened prior to that point of the email.</p> <p>9 Q. Do you know what you meant by the phrase</p> <p>10 "the heroin issue"?</p> <p>11 A. I do not.</p> <p>12 Q. Was there an issue involving heroin in</p> <p>13 Cuyahoga County in 2012?</p> <p>14 MS. SACKS: Objection.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 BY MR. MOONEY:</p> <p>17 Q. Do you know why Chairman Gallagher wanted</p> <p>18 to follow up on the heroin issue at a public safety</p> <p>19 meeting two weeks from November 14th, 2012?</p> <p>20 A. I don't know what his specific reasons for</p> <p>21 follow-up for this individual committee meeting was.</p> <p>22 Q. Do you know his general reasons for</p> <p>23 following up on the heroin issue as part of the</p> <p>24 public safety meeting?</p> <p>25 MS. SACKS: Objection.</p>         | <p style="text-align: right;">Page 277</p> <p>1 BY MR. MOONEY:</p> <p>2 Q. Okay. So other than watching the meeting,</p> <p>3 listening to the minutes, are there any other</p> <p>4 sources that I could look to to understand why</p> <p>5 Chairman Gallagher wanted to have a follow-up</p> <p>6 meeting on the heroin issue as part of the Public</p> <p>7 Safety Committee?</p> <p>8 A. Typically Dr. Gilson would prepare</p> <p>9 presentations for the committee meetings, so you</p> <p>10 might not even have to do that, but you could review</p> <p>11 the presentations that were provided, if they were</p> <p>12 provided during those committee meetings. But it</p> <p>13 would be fairly normal practice by the medical</p> <p>14 examiner to have a corresponding presentation for</p> <p>15 committee meetings.</p> <p>16 Q. Okay. But if I wanted to know why there</p> <p>17 was going to be follow-up, other than the agenda and</p> <p>18 the meeting minutes and watching a video of the</p> <p>19 committee itself, do you have any other places where</p> <p>20 I would be able to determine why there would be</p> <p>21 follow-up, not what was discussed originally, but</p> <p>22 why there would be follow-up on the heroin issue?</p> <p>23 A. I don't know.</p> <p>24 Q. Did -- to your knowledge, did Chairman</p> <p>25 Gallagher refer to a, quote, heroin issue, end</p> |

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| <p style="text-align: right;">Page 278</p> <p>1 quote?</p> <p>2 A. I don't know.</p> <p>3 MS. SACKS: Objection.</p> <p>4 BY MR. MOONEY:</p> <p>5 Q. You don't know if that's his language or</p> <p>6 yours?</p> <p>7 A. I know it's my language because this</p> <p>8 appears to be my email.</p> <p>9 Q. But you don't know if you were parroting</p> <p>10 language that Chairman Gallagher had conveyed to</p> <p>11 you?</p> <p>12 A. I don't know.</p> <p>13 Q. Where --</p> <p>14 A. If I may add, similar to the status</p> <p>15 reports that we talked about earlier, it might have</p> <p>16 been labeled that, but it didn't necessarily mean</p> <p>17 just heroin issue.</p> <p>18 Q. Do you know if this reference to the</p> <p>19 heroin issue also included issues related to</p> <p>20 prescription opioids?</p> <p>21 A. If the Medical Examiner's Office was</p> <p>22 involved, it would have referenced opioids because</p> <p>23 they would report on the number of deaths in the</p> <p>24 committee, so yes.</p> <p>25 Q. And so in 2012, the medical examiner would</p>                                                                                                                                                  | <p style="text-align: right;">Page 280</p> <p>1 Q. And so he was in charge of overseeing the</p> <p>2 drug addiction and mental health services that the</p> <p>3 board offered?</p> <p>4 A. I can't speak specifically to what he was</p> <p>5 in charge of. He was in charge of the entire</p> <p>6 organization.</p> <p>7 Q. Okay. And do you consider Mr. Denihan to</p> <p>8 be an expert in his field of addiction and mental</p> <p>9 health services?</p> <p>10 MS. SACKS: Objection.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. MOONEY:</p> <p>13 Q. If Mr. Denihan provided you information</p> <p>14 about addiction in Cuyahoga County, is he the kind</p> <p>15 of person whose opinion you would have credited as</p> <p>16 likely being something you should follow?</p> <p>17 MS. SACKS: Objection.</p> <p>18 THE WITNESS: What do you mean by that?</p> <p>19 BY MR. MOONEY:</p> <p>20 Q. Well, you said earlier that you don't have</p> <p>21 any background in sort of addiction services, right?</p> <p>22 A. Correct.</p> <p>23 Q. And so if Mr. Denihan as the CEO of the</p> <p>24 ADAMHS Board provided you information about the</p> <p>25 addiction services in the county, you would rely on</p>                                                               |
| <p style="text-align: right;">Page 279</p> <p>1 have been able to report deaths from prescription</p> <p>2 opioids versus heroin?</p> <p>3 MS. SACKS: Objection.</p> <p>4 THE WITNESS: I can't speak to what the</p> <p>5 medical examiner would have presented to on how he</p> <p>6 determined what, but that would have been in his</p> <p>7 presentations.</p> <p>8 (Exhibit 8 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. MOONEY:</p> <p>11 Q. I'm handing you another document -- oh,</p> <p>12 shoot, I put it on the wrong thing.</p> <p>13 Now I'm handing you another document that</p> <p>14 is McAleer Exhibit 8. For the record, this is an</p> <p>15 email from William Denihan to Trevor McAleer and</p> <p>16 then other members of the Council and the Council</p> <p>17 staff dated November 16th, 2012, Subject line 2013</p> <p>18 Budget Follow-Up, CUYAH_014507122.</p> <p>19 And once you've had a chance to review</p> <p>20 that, Mr. McAleer, I'll ask you a couple questions.</p> <p>21 A. Okay.</p> <p>22 Q. All right. And I think you mentioned this</p> <p>23 earlier, but Mr. Denihan in 2012 was the CEO of the</p> <p>24 ADAMHS Board of Cuyahoga County; is that right?</p> <p>25 A. Yes, sir.</p> | <p style="text-align: right;">Page 281</p> <p>1 his representations and not your own understanding.</p> <p>2 Is that fair?</p> <p>3 A. I would trust that he has the resources</p> <p>4 and staff to be able to get the necessary</p> <p>5 information that I could never have access to.</p> <p>6 Q. All right. And so and that's why you --</p> <p>7 and then you would sometimes forward the information</p> <p>8 from Mr. Denihan to the council members; is that</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So in this email, which appears to</p> <p>12 have started as a conversation about the 2013</p> <p>13 budget, Mr. Denihan writes at the bottom, "FYI,</p> <p>14 regarding the safety committee meeting that</p> <p>15 Councilman Gallagher wanted me to attend on</p> <p>16 November 27th, I called him today to advise him that</p> <p>17 I will not be able to attend due to a previous</p> <p>18 commitment in Columbus that I can't reschedule or</p> <p>19 change."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know if the public safety meeting</p> <p>23 that Chairman Gallagher wanted Mr. Denihan to attend</p> <p>24 on November 27th is the same public safety -- or</p> <p>25 safety committee meeting that Mr. Gilson and</p> |

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| <p style="text-align: right;">Page 282</p> <p>1 Mr. Hugh were invited to in the document that was<br/>2 marked as the previous exhibit?<br/>3 A. Can I go back and look at the previous<br/>4 exhibit?<br/>5 Q. Sure.<br/>6 A. If the dates are the same, which they are,<br/>7 November 27th, there would have been only one Public<br/>8 Safety Committee meeting held that day.<br/>9 Q. Okay. Mr. Denihan then reports that he<br/>10 advised Chairman Gallagher and delegated members of<br/>11 his staff to attend the safety committee meeting on<br/>12 his behalf.<br/>13 Do you know if other members of<br/>14 Mr. Denihan's staff attended a safety committee<br/>15 meeting on November 27th?<br/>16 A. I don't remember.<br/>17 Q. He then writes, "They will discuss the<br/>18 merits and importance that prevention plays in our<br/>19 efforts against the opiate and heroin epidemic we<br/>20 face in our county."<br/>21 Do you see where it says that?<br/>22 A. Yes.<br/>23 Q. So was it your understanding at this time,<br/>24 November of 2012, that Cuyahoga County was facing an<br/>25 opiate and heroin epidemic?</p>                                                                                                    | <p style="text-align: right;">Page 284</p> <p>1 Q. And then Chairman Gallagher also received<br/>2 Mr. Denihan's email in which he said that he had<br/>3 delegated members of his staff to discuss the<br/>4 importance of prevention in efforts against opiate<br/>5 and heroin epidemics in Cuyahoga County, right?<br/>6 A. Yes, Chairman Gallagher was on this email<br/>7 as well.<br/>8 Q. Do you recall whether you attended a<br/>9 meeting on November 27th, 2012, of the Public Safety<br/>10 Committee?<br/>11 A. I don't recall if I was there.<br/>12 (Exhibit 9 was marked for<br/>13 identification.)<br/>14 BY MR. MOONEY:<br/>15 Q. I'm handing you -- I almost gave you my<br/>16 document.<br/>17 I am handing you a document that does not<br/>18 have a Bates label, but I will represent to you that<br/>19 it is the minutes that I downloaded from the<br/>20 Cuyahoga County Council's website, and the document<br/>21 is titled Minutes, Cuyahoga County Public Safety<br/>22 Committee Meeting, Tuesday, November 27th, 2012.<br/>23 If you'd like to take a moment to review<br/>24 that, please go ahead and do so.<br/>25 MS. SACKS: You said you got this from</p> |
| <p style="text-align: right;">Page 283</p> <p>1 MS. SACKS: Objection.<br/>2 THE WITNESS: I don't know.<br/>3 BY MR. MOONEY:<br/>4 Q. Do you have an understanding at the time<br/>5 this email was sent that an opiate and heroin<br/>6 epidemic would be a topic of discussion at the<br/>7 November 27 safety meeting referenced in this email?<br/>8 A. At this time, based off me receiving this<br/>9 email at somewhere around this time, I would have<br/>10 read this; so yes, based off Mr. Denihan's words.<br/>11 Q. And so Mr. Denihan conveyed that he would<br/>12 send delegates to discuss the merits and importance<br/>13 that prevention plays in efforts against the opiate<br/>14 and heroin epidemic in Cuyahoga County to you as<br/>15 part of this email, right?<br/>16 A. That is correct.<br/>17 Q. And then he also sent it to Dale Miller,<br/>18 right? He's in the cc line.<br/>19 A. Yes, his email address is here.<br/>20 Q. Okay. And then Dan Brady also was sent<br/>21 this message from Mr. Denihan conveying that his --<br/>22 that Mr. Denihan's staff would discuss the<br/>23 importance of prevention in the opiate and heroin<br/>24 epidemic in Cuyahoga County, correct?<br/>25 A. His words, yes.</p> | <p style="text-align: right;">Page 285</p> <p>1 where?<br/>2 MR. MOONEY: I pulled it from the County's<br/>3 website. I don't have the exact URL, but if you<br/>4 were to Google the Public Safety Committee you<br/>5 should be able to find it. And if not, I'm happy to<br/>6 direct you in correspondence to you after this<br/>7 deposition ends.<br/>8 MS. SACKS: Okay. Thank you.<br/>9 BY MR. MOONEY:<br/>10 Q. All set?<br/>11 A. Yes, sir.<br/>12 Q. Okay. And so have you seen the minutes<br/>13 that have been provided to you and marked as McAleer<br/>14 Exhibit 9 before?<br/>15 A. I don't know for sure.<br/>16 Q. In your experience as a legislative budget<br/>17 adviser, do you agree that the minutes of County<br/>18 Council meetings should accurately describe what<br/>19 happened during the meetings the minutes purport to<br/>20 describe?<br/>21 MS. SACKS: Objection.<br/>22 THE WITNESS: Can you kind of clarify what<br/>23 you mean by that?<br/>24 BY MR. MOONEY:<br/>25 Q. Yeah. So as the legislative budget</p>                                                                                                                                         |



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| <p style="text-align: right;">Page 286</p> <p>1 adviser for the County Council, do you believe that</p> <p>2 minutes of council and committee meetings should</p> <p>3 accurately reflect the events that occurred during</p> <p>4 the meeting?</p> <p>5 A. Yes. And if I can add, I will say our</p> <p>6 clerk of council has also always indicated that</p> <p>7 audio or video of each committee meeting also exists</p> <p>8 as part of the minutes, even though it's not part of</p> <p>9 the written minutes.</p> <p>10 Q. Okay. And have those audio and video</p> <p>11 recordings existed since the County Council came</p> <p>12 into existence in 2011?</p> <p>13 A. I don't know if it was day one but close</p> <p>14 to day one.</p> <p>15 Q. Okay. So there are minutes and then also</p> <p>16 there's a -- there would be a recording of some form</p> <p>17 of the agenda itself -- or of the meeting itself?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. Is there a process, do you know, by</p> <p>20 which minutes are reviewed before they're posted</p> <p>21 publicly?</p> <p>22 A. Before they're posted publicly on the</p> <p>23 council website?</p> <p>24 Q. Yes.</p> <p>25 A. They are approved by the body.</p>                                                                 | <p style="text-align: right;">Page 288</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MR. MOONEY:</p> <p>4 Q. On Page 2 of the minutes under Discussion,</p> <p>5 bullet point E describes that Mr. Osiecki as well as</p> <p>6 the chief operating officer of the ADAMHS Board</p> <p>7 addressed the committee regarding a request for</p> <p>8 funding for the Opiate/Heroin Prevention Campaign</p> <p>9 and that discussion ensued.</p> <p>10 Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Does this reference to an Opiate/Heroin</p> <p>13 Prevention Campaign refresh your recollection</p> <p>14 that -- of the Opiate/Heroin Prevention Campaign</p> <p>15 that we discussed in the ADAMHS Board document where</p> <p>16 they listed the ways in which they collaborated with</p> <p>17 other parts of the government to respond to the</p> <p>18 opioid crisis in the county?</p> <p>19 MS. SACKS: Objection.</p> <p>20 THE WITNESS: I don't know.</p> <p>21 MS. SACKS: Do you know what exhibit</p> <p>22 you're referring to?</p> <p>23 MR. MOONEY: I don't offhand. I was going</p> <p>24 to try to guess, but I didn't want to be wrong. It</p> <p>25 doesn't -- I'll let the objection stand. It's fine.</p>       |
| <p style="text-align: right;">Page 287</p> <p>1 Q. Okay.</p> <p>2 A. So whatever committee.</p> <p>3 Q. So these minutes, if they were the ones</p> <p>4 that were posted to the County's website, are --</p> <p>5 would have been approved by the Public Safety</p> <p>6 Committee at a later meeting, is that your</p> <p>7 understanding?</p> <p>8 A. Yes. The only timetable I'm not certain</p> <p>9 about is if they post draft minutes first and then</p> <p>10 they approve the actual minutes. Whatever is</p> <p>11 finally posted, the end document would be the</p> <p>12 approved minutes from a committee meeting.</p> <p>13 Q. And so in these minutes there's a roll</p> <p>14 call where Chairman Gallagher asked the clerk to</p> <p>15 take roll, and it says that Committee Members --</p> <p>16 excuse me -- Gallagher, Greenspan and Simon were in</p> <p>17 attendance as were Council Members Miller and Brady.</p> <p>18 Do you see that in the text under</p> <p>19 bullet 2?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Do you have any reason sitting here today</p> <p>22 to believe that the minutes of this November 27th,</p> <p>23 2012 Public Safety Committee meeting inaccurately</p> <p>24 detailed the members of the County Council who were</p> <p>25 present at that meeting?</p> | <p style="text-align: right;">Page 289</p> <p>1 BY MR. MOONEY:</p> <p>2 Q. On the next page, Page 3, it says,</p> <p>3 "Committee members and council members asked</p> <p>4 questions of Mr. Osiecki and Ms. Harper pertaining</p> <p>5 to the item, which they answered accordingly."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And then below that, it says, "Dr. Thomas</p> <p>9 Gilson, medical examiner, and Ms. Andrea Rocco,</p> <p>10 special counsel to County Executive FitzGerald,</p> <p>11 addressed the committee regarding the Opiate Task</p> <p>12 Force and the Opiate Collaborative. Discussion</p> <p>13 ensued following."</p> <p>14 And then it says, "Committee members and</p> <p>15 council members asked questions of Dr. Gilson and</p> <p>16 Ms. Rocco pertaining to the item, which they</p> <p>17 answered accordingly."</p> <p>18 Do you, sitting here today, know the</p> <p>19 questions that were asked of Mr. Osiecki and</p> <p>20 Ms. Harper pertaining to the ADAMHS Board request</p> <p>21 for funding?</p> <p>22 A. I don't know.</p> <p>23 Q. Did you have any discussions with the</p> <p>24 members, committee members and council members who</p> <p>25 attended this meeting regarding the discussions that</p> |

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| <p style="text-align: right;">Page 290</p> <p>1 ensued between the members and the medical examiner<br/> 2 and the special counsel to the county executive<br/> 3 regarding the Opiate Task Force and Opiate<br/> 4 Collaborative?<br/> 5 MS. SACKS: Objection.<br/> 6 THE WITNESS: Can you ask that again?<br/> 7 BY MR. MOONEY:<br/> 8 Q. Sure.<br/> 9 A. To clarify.<br/> 10 Q. That's fine. So it says discussions<br/> 11 ensued after Dr. Gilson and Ms. Rocco addressed the<br/> 12 committee.<br/> 13 Do you see that?<br/> 14 A. Yes.<br/> 15 Q. Did you have any communications with<br/> 16 members of Council after this public safety meeting<br/> 17 in which you discussed with those members the<br/> 18 statements or discussion that occurred between the<br/> 19 members of Council and Mr. -- or Ms. Rocco and<br/> 20 Dr. Gilson?<br/> 21 A. I don't remember.<br/> 22 Q. Do you know what the Opiate Task Force was<br/> 23 in November of 2012?<br/> 24 A. I knew it existed.<br/> 25 Q. Do you know if any members of the County</p> | <p style="text-align: right;">Page 292</p> <p>1 individuals, Subject line Town Halls, Bates labeled<br/> 2 CUYAH_014394784.<br/> 3 You can have a moment to look at that.<br/> 4 A. I'm good.<br/> 5 Q. So this is an email that you received from<br/> 6 Ms. Simon on August 30th of 2013; is that correct?<br/> 7 A. That appears to be correct, yes.<br/> 8 Q. And the other member or other individuals<br/> 9 who received this email with the exception of<br/> 10 Mr. Nanni, whose email is directly before yours, are<br/> 11 those members of the County Council?<br/> 12 A. Sister Gross is not. The other ones are.<br/> 13 Q. Okay. Oh, yes, I didn't see Ms. Gross or<br/> 14 Sister Gross in the middle of it.<br/> 15 At the bottom there's an email from<br/> 16 Thomas Gilson.<br/> 17 Is that the medical examiner?<br/> 18 A. Dr. Gilson.<br/> 19 Q. Dr. Gilson. Okay. And he writes, "I was<br/> 20 wondering if you and other members of Council do<br/> 21 much in the way of town halls, and, if so, would<br/> 22 there be any interest in doing one around the topic<br/> 23 of our heroin epidemic? I can travel. I did<br/> 24 something with David Greenspan last winter and it<br/> 25 went well."</p> |
| <p style="text-align: right;">Page 291</p> <p>1 Council were also members of the Opiate Task Force<br/> 2 in 2012?<br/> 3 A. I don't know.<br/> 4 Q. Do you know what the Opiate Collaborative<br/> 5 is?<br/> 6 A. I don't know.<br/> 7 Q. You can set that aside.<br/> 8 You mentioned in one of the earlier<br/> 9 sessions that certain members of Council have hosted<br/> 10 discussions with their constituents regarding issues<br/> 11 of opioid abuse.<br/> 12 Do you remember that you mentioned that<br/> 13 briefly?<br/> 14 A. Yeah, I believe I called them community<br/> 15 meetings.<br/> 16 Q. Community meetings, okay. And do you know<br/> 17 which members of the County Council have hosted<br/> 18 community meetings regarding issues of opioid abuse<br/> 19 in Cuyahoga County?<br/> 20 A. Not offhand.<br/> 21 (Exhibit 10 was marked for<br/> 22 identification.)<br/> 23 BY MR. MOONEY:<br/> 24 Q. Exhibit 10, which is an email from Sunny<br/> 25 Simon dated August 30th, 2013, to a list of</p>                           | <p style="text-align: right;">Page 293</p> <p>1 Did I read that correctly?<br/> 2 A. You did.<br/> 3 Q. Do you know -- do you have an<br/> 4 understanding of what Dr. Gilson meant when it says<br/> 5 the topic of, quote, "our heroin epidemic" in the<br/> 6 email at the bottom of this exhibit?<br/> 7 MS. SACKS: Objection.<br/> 8 THE WITNESS: I do not know what<br/> 9 Dr. Gilson meant.<br/> 10 BY MR. MOONEY:<br/> 11 Q. Okay. If you don't know what Dr. Gilson<br/> 12 meant, do you have an understanding on your own of<br/> 13 what "our heroin epidemic" might refer to?<br/> 14 A. Nothing in addition that we've already<br/> 15 discussed about it showing up on the status report<br/> 16 and terms being used.<br/> 17 Q. Okay. So that in 2013, there would have<br/> 18 been information that you were receiving regarding<br/> 19 heroin addiction and abuse in Cuyahoga County,<br/> 20 correct?<br/> 21 A. The reports that we've talked about and if<br/> 22 any other information was sent to me related around<br/> 23 that.<br/> 24 Q. Okay. So it could also include<br/> 25 prescription opioid abuse in addition to heroin</p>                                                                   |

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| <p style="text-align: right;">Page 294</p> <p>1 abuse?</p> <p>2 A. I don't know.</p> <p>3 Q. And then Dr. Gilson reports that he did</p> <p>4 something with David Greenspan last winter, and it</p> <p>5 went well.</p> <p>6 Do you know what the "something" refers to</p> <p>7 in this email with Dr. Gilson and Council Member</p> <p>8 Greenspan?</p> <p>9 A. Not specifically in this email. I don't</p> <p>10 know what the "something" refers to.</p> <p>11 Q. Did you attend an event that</p> <p>12 Mr. Greenspan -- or Dr. Gilson and Council Member</p> <p>13 Greenspan did the winter before August of 2013 about</p> <p>14 Cuyahoga County's heroin epidemic?</p> <p>15 A. I don't know.</p> <p>16 Q. The next email is from Council President</p> <p>17 Connally, and she writes, "As most of you know, the</p> <p>18 rate of death by heroin overdose is on the increase,</p> <p>19 primarily in the suburbs. Some kind of town hall</p> <p>20 meetings on a regional basis would be a good idea."</p> <p>21 Do you see where it says that?</p> <p>22 A. Yes.</p> <p>23 Q. Did you know in August of 2013 that the</p> <p>24 rate of death by heroin overdose was on the</p> <p>25 increase?</p> | <p style="text-align: right;">Page 296</p> <p>1 I know I assisted in getting the -- someone, I</p> <p>2 believe it was from the Medical Examiner's Office,</p> <p>3 there to attend the meeting.</p> <p>4 Q. Did you attend the meeting that Council</p> <p>5 Member Simon hosted with some other member of the</p> <p>6 government about the heroin epidemic in Cuyahoga</p> <p>7 County?</p> <p>8 A. I know I would not have attended the town</p> <p>9 hall meeting.</p> <p>10 Q. And why do you know that you would not</p> <p>11 have attended the town hall meeting?</p> <p>12 A. It's on the other side of town --</p> <p>13 Q. That will do it.</p> <p>14 A. -- from where I live.</p> <p>15 Q. All right. You can set that one aside as</p> <p>16 well.</p> <p>17 (Exhibit 11 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. MOONEY:</p> <p>20 Q. The document that I'm about to hand to you</p> <p>21 and mark as Exhibit 11 I will warn you is longer</p> <p>22 than I would prefer to be giving you this late in</p> <p>23 the day, but I will also tell you that the</p> <p>24 PowerPoint presentation that occurs in the middle is</p> <p>25 not going to be the subject of my questions. And so</p>                                    |
| <p style="text-align: right;">Page 295</p> <p>1 MS. SACKS: Objection.</p> <p>2 THE WITNESS: I know the rate of deaths</p> <p>3 based off what Dr. Gilson provided through</p> <p>4 presentations were on the increase.</p> <p>5 BY MR. MOONEY:</p> <p>6 Q. Do you have any idea sitting here today</p> <p>7 why the rate of death by heroin overdose was on the</p> <p>8 increase in August of 2013?</p> <p>9 A. I don't know.</p> <p>10 Q. After Council President Connally</p> <p>11 recommended that town hall meetings on a regional</p> <p>12 basis would be a good idea, we get to the email from</p> <p>13 Councilwoman Simon, and she says, "I would like to</p> <p>14 have one in my district."</p> <p>15 Do you see that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do you know if Councilwoman Simon hosted a</p> <p>18 town hall on the heroin epidemic like she -- like</p> <p>19 this email indicates?</p> <p>20 A. She eventually had one. I don't know</p> <p>21 when.</p> <p>22 Q. How do you know that she eventually had a</p> <p>23 town hall event on the heroin epidemic in Cuyahoga</p> <p>24 County?</p> <p>25 A. I don't recall a specific time frame, but</p>                                | <p style="text-align: right;">Page 297</p> <p>1 you can obviously look at it if you'd like, take as</p> <p>2 much time as you need, but just so that you know,</p> <p>3 you don't have to become an expert in that</p> <p>4 PowerPoint because I'm not going to ask you</p> <p>5 questions about it.</p> <p>6 And while you're reviewing it, I'm just</p> <p>7 going to put onto the record that this is an email</p> <p>8 dated February 27th, 2014, from Trevor McAleer to</p> <p>9 Sunny Simon, Subject line CUYCO Opiate Efforts,</p> <p>10 Bates labeled CUYAH_014391077.</p> <p>11 MS. SACKS: So some of the pages don't</p> <p>12 have Bates numbers.</p> <p>13 MR. MOONEY: So yeah, so the PowerPoint</p> <p>14 was produced to us in native form. So if you look</p> <p>15 at the first page of the PowerPoint it's 79. What</p> <p>16 followed is the native form that was printed out</p> <p>17 that doesn't have Bates labels.</p> <p>18 MS. SACKS: And then I see it jumps to 80.</p> <p>19 MR. MOONEY: Yes.</p> <p>20 MS. SACKS: Okay.</p> <p>21 BY MR. MOONEY:</p> <p>22 Q. You all set?</p> <p>23 A. There's a lot in here.</p> <p>24 Q. All right. So the first question, the</p> <p>25 email address simonsunnys@aol.com, do you understand</p> |

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| <p style="text-align: right;">Page 298</p> <p>1 that email address to be Councilwoman Simon's<br/>2 personal email address?<br/>3 A. I do.<br/>4 Q. Okay. And below that email from you is a<br/>5 forward from Councilwoman Simon back to you<br/>6 forwarding an email that begins on the pages ending<br/>7 in 078, which is from Philip Angelo. Or is it<br/>8 Angelo, do you know?<br/>9 A. Angelo.<br/>10 Q. Angelo. Neither of the two.<br/>11 So from Mr. Angelo dated February 25th,<br/>12 2014, again with the Subject line CUYCO opiate<br/>13 efforts.<br/>14 And Mr. Angelo writes, "Attached please<br/>15 find some general talking points on the County's<br/>16 efforts to stem the heroin epidemic."<br/>17 Do you see where it says that?<br/>18 A. I do see where it says that.<br/>19 Q. Do you know why Councilwoman Simon<br/>20 forwarded to you Mr. Angelo's email providing<br/>21 general talking points on the County's efforts to<br/>22 stem the heroin epidemic?<br/>23 A. I can't speak to why she forwarded it to<br/>24 me.<br/>25 Q. Do you know why you would have then</p>                                                     | <p style="text-align: right;">Page 300</p> <p>1 Q. I see, okay. And so if you turn to the<br/>2 page ending in 081, that appears to be a memo from<br/>3 Mr. Angelo to Councilwoman Simon dated<br/>4 February 25th, with the date February 25th, 2014.<br/>5 Do you see that?<br/>6 A. Yes, sir.<br/>7 Q. Okay. And under the heading Facts,<br/>8 there's a bullet that says, quote, "During the late<br/>9 '90s, pain was recognized as the fifth vital sign,<br/>10 and this led doctors to treat pain more<br/>11 aggressively."<br/>12 Do you see where it says that?<br/>13 A. Yes, sir.<br/>14 Q. Do you have an understanding of what that<br/>15 sentence means?<br/>16 MS. SACKS: Objection.<br/>17 THE WITNESS: I do not.<br/>18 BY MR. MOONEY:<br/>19 Q. Have you ever heard of the phrase "fifth<br/>20 vital sign"?<br/>21 A. I don't remember.<br/>22 Q. You don't remember if you've heard that<br/>23 phrase before?<br/>24 A. No.<br/>25 Q. Do you have an understanding sitting here</p>                             |
| <p style="text-align: right;">Page 299</p> <p>1 forwarded it back to her?<br/>2 A. I don't know what took place first because<br/>3 I don't see a time and date of when she sent it to<br/>4 me.<br/>5 Q. Okay.<br/>6 A. So I don't know what happened here.<br/>7 Q. All right. Unfortunately I only have the<br/>8 information that was provided to us by your counsel,<br/>9 and so I -- one way or the other.<br/>10 So you don't know why Councilwoman Simon<br/>11 sent the document to you, correct?<br/>12 A. I don't know.<br/>13 Q. But you said you hadn't -- you didn't<br/>14 attend a town hall that Councilwoman Simon hosted<br/>15 regarding the heroin epidemic in Cuyahoga County,<br/>16 right?<br/>17 A. I didn't attend, but that doesn't<br/>18 necessarily mean I didn't help prepare for it.<br/>19 Q. Okay. And do you know what Mr. Angelo's<br/>20 role -- I didn't say that right. What was it again?<br/>21 A. Angelo.<br/>22 Q. Angelo, Mr. Angelo's role was with the<br/>23 Cuyahoga County Sheriff's Department?<br/>24 A. He was an assistant to the sheriff at that<br/>25 time. He's no longer employed at Cuyahoga County.</p> | <p style="text-align: right;">Page 301</p> <p>1 today of what it means for pain to be recognized as<br/>2 the fifth vital sign?<br/>3 A. I do not.<br/>4 Q. Okay. Do you know who recognized pain as<br/>5 a fifth vital sign?<br/>6 A. I do not.<br/>7 Q. Do you know if it is accurate that during<br/>8 the late '90s pain was recognized as a fifth vital<br/>9 sign, which led to doctors treating pain more<br/>10 aggressively?<br/>11 A. I do not.<br/>12 Q. It then says, "This culture shift was the<br/>13 beginning of the overabundance of RX opioid<br/>14 prescribing."<br/>15 Do you see that?<br/>16 A. I do.<br/>17 Q. Okay. Do you know if that statement is<br/>18 correct?<br/>19 A. I do not know.<br/>20 Q. On the next page ending in 082, the first<br/>21 bullet says, "By now, I think we are all aware of<br/>22 the heroin epidemic, often initiated by the misuse<br/>23 of prescription opiates. Stories of overdose deaths<br/>24 have become far too common."<br/>25 Do you see where it says that?</p> |

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| <p style="text-align: right;">Page 302</p> <p>1 A. Yes.</p> <p>2 Q. Do you agree that by February of 2014 most</p> <p>3 people in Cuyahoga County were aware that there was</p> <p>4 a heroin epidemic in Cuyahoga County?</p> <p>5 MS. SACKS: Objection.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 BY MR. MOONEY:</p> <p>8 Q. Is it your understanding that Cuyahoga</p> <p>9 County was experiencing a heroin epidemic in</p> <p>10 February of 2014?</p> <p>11 MS. SACKS: Objection.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 BY MR. MOONEY:</p> <p>14 Q. Do you know if the statement that overdose</p> <p>15 deaths are often initiated by the misuse of</p> <p>16 prescription opiates is an accurate statement?</p> <p>17 A. I don't know.</p> <p>18 Q. On the -- if you could turn to the pages</p> <p>19 ending in 084 on the bottom under Opiate/Heroin</p> <p>20 Summit.</p> <p>21 Do you see that?</p> <p>22 A. Yes, sir.</p> <p>23 Q. It says that, "On November 21st, 2013,</p> <p>24 many of northern Ohio's leading institutions</p> <p>25 gathered for a daylong summit at the Cleveland</p>                                | <p style="text-align: right;">Page 304</p> <p>1 Q. Do you know if the County Council has</p> <p>2 taken any steps to implement a community action plan</p> <p>3 that was developed from a Heroin/Opiate Summit that</p> <p>4 occurred on November 21st, 2013?</p> <p>5 A. I don't know.</p> <p>6 Q. Other than Council Member Simon and</p> <p>7 Council Member Greenspan, do you know if any other</p> <p>8 members of the County Council hosted town halls with</p> <p>9 Dr. Gilson on the heroin epidemic?</p> <p>10 A. I don't know.</p> <p>11 Q. Have you ever heard of the Cuyahoga County</p> <p>12 Poison Death Review Committee?</p> <p>13 A. I think I've heard the name before.</p> <p>14 Q. Do you have an understanding of what the</p> <p>15 Cuyahoga County Poison Death Review Committee is?</p> <p>16 A. I don't.</p> <p>17 Q. Other than what we have already discussed</p> <p>18 today, are you aware of any other efforts by the</p> <p>19 Cuyahoga County Council or its members to raise</p> <p>20 awareness of the opioid abuse issues that the county</p> <p>21 faces?</p> <p>22 A. I can't think of anything additional from</p> <p>23 what we've already discussed.</p> <p>24 Q. Other than what we have already discussed</p> <p>25 today, are you aware of any actions taken by the</p> |
| <p style="text-align: right;">Page 303</p> <p>1 Clinic in an effort to find solutions to the</p> <p>2 region's heroin epidemic."</p> <p>3 Do you see where it says that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you know, did you attend the</p> <p>6 Heroin/Opiate Summit that occurred on November 21st,</p> <p>7 2013?</p> <p>8 A. I don't remember.</p> <p>9 Q. Do you know if any member of the County</p> <p>10 Council attended a Heroin/Opiate Summit that</p> <p>11 occurred at the Cleveland Clinic?</p> <p>12 A. I don't know.</p> <p>13 Q. The third bullet says, "From this summit,</p> <p>14 a community action plan was developed."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Have you seen such a community action plan</p> <p>18 that arose from a Heroin/Opiate Summit that occurred</p> <p>19 on November 21st, 2013?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you know if members of the County</p> <p>22 Council have received a community action plan that</p> <p>23 was developed during the November 21st, 2013</p> <p>24 Heroin/Opiate Summit described in this document?</p> <p>25 A. I don't know.</p> | <p style="text-align: right;">Page 305</p> <p>1 Cuyahoga County Council or their members to address</p> <p>2 the problem of prescription opioid abuse in Cuyahoga</p> <p>3 County?</p> <p>4 A. I don't know.</p> <p>5 Q. Other than what we've already discussed</p> <p>6 today, are you aware of any actions taken by the</p> <p>7 County Council or members of the Council to address</p> <p>8 problems of heroin abuse in Cuyahoga County?</p> <p>9 A. I don't know.</p> <p>10 Q. Have you heard of the Health and Human</p> <p>11 Services Strategic Plan?</p> <p>12 A. Can you go into a little bit more detail</p> <p>13 of what you mean?</p> <p>14 Q. Unfortunately I can't. I've seen a</p> <p>15 reference to in an email to something called a</p> <p>16 Health and Human Services Strategic Plan. I'm just</p> <p>17 wondering if you know anything about it.</p> <p>18 A. So I'm not comfortable answering that</p> <p>19 question because there are a lot of nonprofits</p> <p>20 around here that come up with Health and Human</p> <p>21 Service Strategic Plans.</p> <p>22 So I am aware of the County having a</p> <p>23 Health and Human Services Strategic Plan, but I</p> <p>24 don't know if you're asking me in that context.</p> <p>25 Q. Sure. What is the County's Health and</p>         |



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| <p style="text-align: right;">Page 306</p> <p>1 Human Services Strategic Plan?</p> <p>2 A. I can't speak to the details of it, but I</p> <p>3 know there is a Health and Human Services Strategic</p> <p>4 Plan.</p> <p>5 Q. Is there an individual or group of</p> <p>6 individuals who have responsibility for the Health</p> <p>7 and Human Services Strategic Plan?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Have you attempted to quantify the</p> <p>10 total financial cost of the opioid crisis on</p> <p>11 Cuyahoga County?</p> <p>12 A. Can you define "attempted"?</p> <p>13 Q. Have you made any efforts -- and I'm</p> <p>14 speaking about you specifically.</p> <p>15 Have you made any efforts to quantify the</p> <p>16 total financial impact of the opioid crisis on</p> <p>17 Cuyahoga County?</p> <p>18 A. I've thought about it. I don't know if</p> <p>19 that counts as your definition of attempt it. I</p> <p>20 have not put anything then pen to paper to try to</p> <p>21 list it out. But I start thinking about it, and it</p> <p>22 gets so large, I can't put my arms around it.</p> <p>23 Q. And when you have thought about the total</p> <p>24 financial cost of the opioid crisis on Cuyahoga</p> <p>25 County, has your thinking distinguished between</p> | <p style="text-align: right;">Page 308</p> <p>1 Has -- to your knowledge, has any member</p> <p>2 of the County Council analyzed whether the County's</p> <p>3 expenses have increased because of the opioid crisis</p> <p>4 in Cuyahoga County?</p> <p>5 MS. SACKS: Objection.</p> <p>6 THE WITNESS: Could you ask that again,</p> <p>7 please.</p> <p>8 BY MR. MOONEY:</p> <p>9 Q. Do you know if any member of the County</p> <p>10 Council has analyzed whether the County's expenses</p> <p>11 have increased because of an opioid crisis in</p> <p>12 Cuyahoga County?</p> <p>13 MS. SACKS: Same objection.</p> <p>14 THE WITNESS: I don't know that answer.</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. Do you know if the County Council as an</p> <p>17 entity has analyzed whether the County's expenses</p> <p>18 have increased because of an opioid crisis?</p> <p>19 A. I don't know how the County Council as an</p> <p>20 entity could do that.</p> <p>21 Q. Have you investigated whether Cuyahoga</p> <p>22 County has received less tax revenue because of the</p> <p>23 opioid crisis?</p> <p>24 A. What do you mean by "investigated"?</p> <p>25 Q. Have you thought about it at all in the</p> |
| <p style="text-align: right;">Page 307</p> <p>1 costs related to prescription opioid abuse as</p> <p>2 opposed to heroin abuse?</p> <p>3 A. I have not gone to that point.</p> <p>4 Q. Has the County Council ever budgeted</p> <p>5 funding to develop a system for tracking unlawfully</p> <p>6 prescribed medication?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know if the County Council has ever</p> <p>9 budgeted funding to develop a system for identifying</p> <p>10 pill mills?</p> <p>11 A. I don't know.</p> <p>12 Q. Has the Cuyahoga County Council budgeted</p> <p>13 any money to develop a system -- excuse me, to</p> <p>14 identifying and investigating the causes of</p> <p>15 addiction?</p> <p>16 A. I don't know.</p> <p>17 Q. Has -- have you analyzed whether or not</p> <p>18 the Cuyahoga County Council -- excuse me, strike</p> <p>19 that.</p> <p>20 Have you analyzed whether Cuyahoga</p> <p>21 County's expenses have increased as a result of the</p> <p>22 opioid crisis?</p> <p>23 A. Not except for what we've already</p> <p>24 discussed where I've --</p> <p>25 Q. Other than thinking about it, okay.</p>                                                                                                                                              | <p style="text-align: right;">Page 309</p> <p>1 same way that you thought about the costs of the</p> <p>2 crisis?</p> <p>3 A. That is a possibility I've thought about.</p> <p>4 I haven't -- I don't know. I would not classify it</p> <p>5 as an investigation.</p> <p>6 Q. When you have thought about the total</p> <p>7 costs of the opioid crisis on Cuyahoga County in the</p> <p>8 past, were you doing that because someone told you</p> <p>9 to do such a thought exercise?</p> <p>10 A. No.</p> <p>11 Q. When did you learn that opiate abuse in</p> <p>12 Cuyahoga County was resulting in harm to the County?</p> <p>13 MS. SACKS: Objection.</p> <p>14 THE WITNESS: I'm not sure what that</p> <p>15 means.</p> <p>16 BY MR. MOONEY:</p> <p>17 Q. In what year did you recognize -- did you</p> <p>18 learn that opioid abuse was a problem in Cuyahoga</p> <p>19 County?</p> <p>20 MS. SACKS: Objection.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MR. MOONEY:</p> <p>23 Q. When did -- you mentioned earlier that</p> <p>24 Cuyahoga County has increased funding to respond to</p> <p>25 the opioid crisis; is that right?</p>                                                        |

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| <p style="text-align: right;">Page 310</p> <p>1 A. In certain areas.</p> <p>2 Q. In certain areas. When did that first</p> <p>3 start?</p> <p>4 A. I don't know.</p> <p>5 Q. Has the County been forced to expend more</p> <p>6 resources than it had budgeted to address opioid</p> <p>7 problems in Cuyahoga County?</p> <p>8 MS. SACKS: Objection.</p> <p>9 THE WITNESS: The County can't spend more</p> <p>10 money than what's budgeted.</p> <p>11 BY MR. MOONEY:</p> <p>12 Q. Okay. Has -- have you done anything to</p> <p>13 investigate the causes of opioid abuse in Cuyahoga</p> <p>14 County?</p> <p>15 A. I don't know.</p> <p>16 Q. Have you done anything -- do you know if</p> <p>17 any members of the County Council have investigated</p> <p>18 the causes of opioid abuse in Cuyahoga County?</p> <p>19 A. I don't know.</p> <p>20 MR. MOONEY: If we can take like a</p> <p>21 five-minute break, I think I will be very close to</p> <p>22 being done, if that's okay.</p> <p>23 MS. SACKS: Yes.</p> <p>24 THE VIDEOGRAPHER: Off the record, 5:15.</p> <p>25</p>                           | <p style="text-align: right;">Page 312</p> <p>1 Do you see that?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And that is the Listserv for the</p> <p>4 members of the County Council, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And so is it your understanding that if</p> <p>7 you sent this email that's been marked as Exhibit 12</p> <p>8 to CuyahogaCounty@cuyahogacounty -- excuse me,</p> <p>9 CountyCouncil@CuyahogaCounty.us that that would have</p> <p>10 been distributed to each member of the County</p> <p>11 Council?</p> <p>12 A. It would have went to every member in the</p> <p>13 Listserv.</p> <p>14 Q. Okay. And then the text of this email</p> <p>15 from you says, "FYI, press release from the</p> <p>16 administration regarding the Heroin Initiative."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Do you know, sitting here today, do you</p> <p>20 remember why you sent the press release from the</p> <p>21 administration regarding the Heroin Initiative?</p> <p>22 A. I would funnel a lot of information to</p> <p>23 council members, including certain press releases or</p> <p>24 press events that were taking place.</p> <p>25 Q. And so is this the only press release that</p> |
| <p style="text-align: right;">Page 311</p> <p>1 (Whereupon, a recess was taken</p> <p>2 from 5:15 p m. to 5:27 p m.)</p> <p>3 THE VIDEOGRAPHER: On the record, 5:27.</p> <p>4 (Exhibit 12 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. MOONEY:</p> <p>7 Q. Mr. McAleer, I've placed between you and</p> <p>8 your counsel a document with the label Exhibit 12, I</p> <p>9 believe.</p> <p>10 MS. SACKS: Oh, sorry.</p> <p>11 MR. MOONEY: No, I put it there during the</p> <p>12 break.</p> <p>13 MS. SACKS: They were together. This is</p> <p>14 12. Sorry.</p> <p>15 BY MR. MOONEY:</p> <p>16 Q. And as you take a moment to read it, I</p> <p>17 will reflect for the record that this is an email</p> <p>18 from Trevor McAleer dated April 22nd, 2014, Subject</p> <p>19 line Dettelbach Cuyahoga Approach to Heroin, quote,</p> <p>20 Needs to be the National Model, end quote, and it's</p> <p>21 Bates labeled CUYAH_014392112.</p> <p>22 All set?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And so this email from you in April</p> <p>25 of 2014 is to CountyCouncil@CuyahogaCounty.us.</p> | <p style="text-align: right;">Page 313</p> <p>1 you would have funneled to members of the County</p> <p>2 Council regarding the administration -- the county</p> <p>3 executive's administration's Heroin Initiative?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know who Richard Luchette is?</p> <p>6 A. Luchette?</p> <p>7 Q. Luchette.</p> <p>8 A. Yes, sir.</p> <p>9 Q. I'm not getting any of these right.</p> <p>10 Who is Mr. Luchette?</p> <p>11 A. He used to work for the then county</p> <p>12 executive in communications.</p> <p>13 Q. Okay. And the county executive at this</p> <p>14 time would have been Executive FitzGerald?</p> <p>15 A. In 2014, yes, sir.</p> <p>16 Q. And so Mr. Luchette reports that on</p> <p>17 October 21st, U.S. Attorney Steve Dettelbach praised</p> <p>18 Cuyahoga County's broad-based approach to the heroin</p> <p>19 epidemic and argued that it, quote, needs to be the</p> <p>20 national model, end quote.</p> <p>21 Do you see that?</p> <p>22 A. I do not right now.</p> <p>23 Q. It's in the middle.</p> <p>24 A. On the 22nd.</p> <p>25 Q. Sorry, it's on the 22nd, but he says "in</p>                                                                                    |

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| <p style="text-align: right;">Page 314</p> <p>1 case you missed it yesterday on the 21st."</p> <p>2 A. I see it.</p> <p>3 Q. Okay. Did you attend the event at which</p> <p>4 U.S. Attorney Dettelbach made the statement that</p> <p>5 Mr. Luchette references in his email?</p> <p>6 A. I don't remember if I attended the event</p> <p>7 or not.</p> <p>8 Q. Do you have an understanding of what</p> <p>9 Cuyahoga County's broad-based approach to the heroin</p> <p>10 epidemic was in April of 2014?</p> <p>11 A. I do not know.</p> <p>12 Q. Have you -- other than in this email, have</p> <p>13 you -- had you heard that U.S. Attorney Dettelbach</p> <p>14 argued that Cuyahoga County's broad-based approach</p> <p>15 to the heroin epidemic needed to be a national</p> <p>16 model?</p> <p>17 A. I don't remember.</p> <p>18 Q. All right. You can set that aside.</p> <p>19 Does Cuyahoga County have a written policy</p> <p>20 regarding the retention of its documents?</p> <p>21 A. I don't know if Cuyahoga County does.</p> <p>22 Q. Does the County Council have a policy</p> <p>23 regarding the retention of its documents?</p> <p>24 A. County Council codified a public records</p> <p>25 section.</p> | <p style="text-align: right;">Page 316</p> <p>1 Q. So as a staff member, do you get a manual</p> <p>2 or does the chief of staff get a document that says</p> <p>3 these are the public records laws, here are your</p> <p>4 obligations to comply with them?</p> <p>5 A. We get copies of the -- what is referred</p> <p>6 to as the sunshine book. That is the State of</p> <p>7 Ohio's version of public record law. They call it</p> <p>8 the sunshine book. And we also all have copies of</p> <p>9 the county code. It's electronically, but we have</p> <p>10 access to it.</p> <p>11 Q. And so if you had a question about your</p> <p>12 obligations under the County code's public records</p> <p>13 law, is there someone that you would speak to about</p> <p>14 those obligations?</p> <p>15 A. If it was a question about a public</p> <p>16 records request, is that what you mean?</p> <p>17 Q. No. If you were preserving your documents</p> <p>18 consistent with your obligations under the public</p> <p>19 records law, is there someone you could ask?</p> <p>20 A. I'm not sure in what situation I would --</p> <p>21 I don't know what you mean by that question. I'm</p> <p>22 sorry.</p> <p>23 Q. Has it ever -- has -- well, is it because</p> <p>24 you've never had a question about your obligations</p> <p>25 to preserve documents under the public records law?</p> |
| <p style="text-align: right;">Page 315</p> <p>1 Q. And that is codified -- it was codified in</p> <p>2 an ordinance?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And so that becomes part of the county</p> <p>5 code?</p> <p>6 A. Yes, sir.</p> <p>7 Q. All right. What is your understanding of</p> <p>8 the public records code?</p> <p>9 A. I assisted in the creation of that code.</p> <p>10 It was some time ago. I don't -- I could not give</p> <p>11 you the exact details in that code right now.</p> <p>12 Q. Are there policy manuals in the County</p> <p>13 Council's office that describes how employees should</p> <p>14 comply with the public records ordinance that the</p> <p>15 Council enacted?</p> <p>16 A. Can you ask that again, please? I'm not</p> <p>17 sure.</p> <p>18 Q. Sure. Is there some document that</p> <p>19 employees of the County Council receive that</p> <p>20 explains what their obligations are under the public</p> <p>21 records ordinance that the Council passed?</p> <p>22 A. Council members, is that who you're asking</p> <p>23 who receives it? I'm not --</p> <p>24 Q. Council employees.</p> <p>25 A. Council employees.</p>                                                      | <p style="text-align: right;">Page 317</p> <p>1 A. I -- as a public employee, I have</p> <p>2 obligations that I'm required under, you know,</p> <p>3 certain, I mean, various sections of the Ohio</p> <p>4 Revised Code and our county code to ensure documents</p> <p>5 are kept appropriately.</p> <p>6 Q. And do you follow those policies and laws</p> <p>7 to the best of your knowledge?</p> <p>8 A. To the best of my knowledge I do, yes.</p> <p>9 Q. Okay. Is there a specific policy for</p> <p>10 members of County Council regarding the retention of</p> <p>11 documents?</p> <p>12 A. It wouldn't be anything additional in</p> <p>13 terms of a specific policy.</p> <p>14 Q. Do you preserve your work documents in the</p> <p>15 ordinary course of business?</p> <p>16 A. What do you mean by "preserve"?</p> <p>17 Q. When you create a document for work, is</p> <p>18 there a process by which you maintain it for a</p> <p>19 certain period of time, where you hold onto it?</p> <p>20 A. Are you asking me personally?</p> <p>21 Q. Yes.</p> <p>22 A. Me personally, I tend to save every single</p> <p>23 document that I have electronically.</p> <p>24 Q. What about hard-copy documents, do you</p> <p>25 save those?</p>                                                                                                                                               |

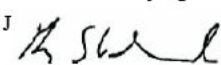
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| <p style="text-align: right;">Page 318</p> <p>1 A. I -- if I -- not on every instance, but if<br/> 2 I have a hard document, I will sometimes scan those<br/> 3 in electronically through my email, you know, and<br/> 4 save them electronically.<br/> 5 If it's a larger -- if I have a hard copy<br/> 6 of let's say a budget book, you know the size of a<br/> 7 budget book, I would file that. But I also tend to<br/> 8 have electronic copy as well, but I keep most -- you<br/> 9 know, most document -- almost every document that I<br/> 10 get.<br/> 11 Q. Do you -- does your county email address<br/> 12 have an auto-delete function?<br/> 13 A. Not that I'm aware of.<br/> 14 Q. Are you provided a -- you have your own<br/> 15 work email address, correct?<br/> 16 A. Yes, the email address that we've talked<br/> 17 about throughout these documents.<br/> 18 Q. That's tmcalleer@CuyahogaCounty.us?<br/> 19 A. Yes, sir.<br/> 20 Q. And has that been your work email since<br/> 21 you became the legislative budget adviser in 2011?<br/> 22 A. Yes, since 2011, yes.<br/> 23 Q. Okay. And was there a different email<br/> 24 address in the old form of the government?<br/> 25 A. I can't say with certain. I think it was</p> | <p style="text-align: right;">Page 320</p> <p>1 your documents?<br/> 2 A. Yes.<br/> 3 Q. What network folders do you use?<br/> 4 A. Can you just clarify what you mean by<br/> 5 "network"?<br/> 6 Q. I've seen something called an S drive.<br/> 7 A. Yes, the share drive, yes. There's a<br/> 8 share drive, and there is a clerk's drive. I don't<br/> 9 know the letter referred to as S drive where the<br/> 10 clerk keeps all their agenda items that I have<br/> 11 access to as well.<br/> 12 Q. And is that within the S drive, or that's<br/> 13 a separate --<br/> 14 A. It's a separate letter.<br/> 15 Q. Okay.<br/> 16 A. I don't know what term you're looking for,<br/> 17 but -- and then the policy staff also has an<br/> 18 O drive. It's similar to the S drive. But that's<br/> 19 not -- I don't really use that that often. I tend<br/> 20 to focus on the S drive.<br/> 21 Q. Is the S drive a drive for --<br/> 22 A. I'm sorry, there is an H drive that is<br/> 23 local to each individual, but it's not on the hard<br/> 24 drive.<br/> 25 Q. Okay.</p>                                                                                                                                                                                        |
| <p style="text-align: right;">Page 319</p> <p>1 a different email address until the whole system<br/> 2 converted, not because of the government but just<br/> 3 because of the IT system. It might have been<br/> 4 different. Instead of tmcalleer it could have been<br/> 5 something else. I don't remember what it was.<br/> 6 Q. And do you use your personal email account<br/> 7 to communicate about work-specific topics?<br/> 8 A. No.<br/> 9 Q. Do you have a work computer?<br/> 10 A. I have a work computer, yes.<br/> 11 Q. Is it a desktop or a laptop?<br/> 12 A. It is a laptop. It has docking functions<br/> 13 so it could hook up to monitors.<br/> 14 Q. How long have you had the laptop that you<br/> 15 currently use for your job? When was the last time<br/> 16 it was replaced, if it ever was?<br/> 17 A. It was replaced at some point. I don't<br/> 18 know what -- I don't remember what time frame we got<br/> 19 the laptops we're currently working on.<br/> 20 Q. Within the last two years?<br/> 21 A. I don't know.<br/> 22 Q. Have you ever had your hard drive replaced<br/> 23 on your laptop?<br/> 24 A. Not that I'm aware of.<br/> 25 Q. Do you use any network folders to save</p>                           | <p style="text-align: right;">Page 321</p> <p>1 A. Does that make sense? I can save stuff<br/> 2 there.<br/> 3 Q. Is the S drive used for a particular<br/> 4 department or division?<br/> 5 A. All I know is County Council has an<br/> 6 S drive. I've heard other departments have<br/> 7 S drives. I don't know if that's accurate. But we<br/> 8 are the only ones that can access our S drive.<br/> 9 Q. Okay. And then on the S drive, do you<br/> 10 have a folder that you use to maintain documents?<br/> 11 A. I save most of my documents on my H drive.<br/> 12 I will save some documents to the S drive, and I<br/> 13 will occasionally save some to the O drive.<br/> 14 Q. Do you have a drive on the S drive called<br/> 15 the Trevor folder?<br/> 16 A. I think my co-workers created a Trevor<br/> 17 folder so I could copy and paste all my H drive<br/> 18 folders to the Trevor folder on the S drive.<br/> 19 Q. And do you -- do you keep -- do you do<br/> 20 anything to ensure that the documents on your<br/> 21 H drive are also on the Trevor folder in the<br/> 22 S drive?<br/> 23 A. Not routinely. I will try to update as<br/> 24 much as possible, but I -- it's not a priority.<br/> 25 Q. Do you know whether documents from the</p> |

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| <p style="text-align: right;">Page 322</p> <p>1 S drive were collected in this litigation?</p> <p>2 A. I don't know that.</p> <p>3 Q. I'll take a step back.</p> <p>4 Do you know what was done -- whether</p> <p>5 anything was done to collect documents from the</p> <p>6 S drive in this litigation?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know what was done to collect any</p> <p>9 documents in this litigation?</p> <p>10 A. No. I've received one notice about don't</p> <p>11 touch documents or don't -- I don't know the exact</p> <p>12 language, but that's the only knowledge that I have</p> <p>13 about documents related to this litigation.</p> <p>14 Q. Okay. And do you know when you received</p> <p>15 that notice not to delete documents?</p> <p>16 A. I do not know offhand.</p> <p>17 Q. Have you ever posted about issues related</p> <p>18 to your work on social media?</p> <p>19 A. On my personal social media account?</p> <p>20 Q. Yes.</p> <p>21 A. I don't believe I have. I don't --</p> <p>22 Q. Not that you can recall sitting here</p> <p>23 today?</p> <p>24 A. Correct. I may have. I tend to keep</p> <p>25 things separate.</p>                                                                                                                                                                                                                                                                                                                                     | <p style="text-align: right;">Page 324</p> <p>1 notice and not deleting documents, have you done</p> <p>2 anything else to make sure your documents remain</p> <p>3 where they're supposed to be related to this</p> <p>4 lawsuit?</p> <p>5 A. I've done nothing --</p> <p>6 Q. You've done nothing.</p> <p>7 A. I have not touched.</p> <p>8 Q. Okay. Do you have -- do you know whether</p> <p>9 the hard-copy documents that you have in your office</p> <p>10 have been collected as part of this litigation?</p> <p>11 A. I don't know, and I don't know if I have</p> <p>12 hard documents.</p> <p>13 Q. Okay. Have you provided hard-copy</p> <p>14 documents to your attorneys in connection with this</p> <p>15 lawsuit?</p> <p>16 A. I don't -- I don't remember doing that.</p> <p>17 (Exhibit 13 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. MOONEY:</p> <p>20 Q. Okay. That's another document I've</p> <p>21 labeled it during the break. It's Exhibit --</p> <p>22 MS. SACKS: Let me get that one.</p> <p>23 BY MR. MOONEY:</p> <p>24 Q. Sorry, you take the one with the sticker</p> <p>25 on the top.</p>                                                                                     |
| <p style="text-align: right;">Page 323</p> <p>1 Q. Do you have -- is there a nonpersonal? Is</p> <p>2 there a distinction -- you said personal. Is there</p> <p>3 some other kind of social media account?</p> <p>4 A. County Council, we have our own social</p> <p>5 media accounts for like Facebook, and I think it's</p> <p>6 connected to Twitter. So I will post things on the</p> <p>7 County Council Facebook for County Council, say FYI,</p> <p>8 committee meeting coming up.</p> <p>9 Q. And is there any way looking at a post to</p> <p>10 know that it came from you as opposed to some other</p> <p>11 members of the council staff or the County Council?</p> <p>12 A. I don't think -- I'm not a hundred percent</p> <p>13 sure how behind the scenes works when it comes to</p> <p>14 posting, but I believe the administrators, which are</p> <p>15 the policy staff that we talked about, who can go in</p> <p>16 and post something can see who can post something or</p> <p>17 who posted it. But I don't know if someone who</p> <p>18 follows or likes County Council, if they can see who</p> <p>19 posted that. I don't know how that works.</p> <p>20 Q. So other than receiving the notice not to</p> <p>21 delete documents, have you done any -- have you made</p> <p>22 any other efforts to preserve documents related to</p> <p>23 the allegations in this lawsuit?</p> <p>24 A. I don't know what you mean by "efforts."</p> <p>25 Q. Have you -- other than just receiving the</p> | <p style="text-align: right;">Page 325</p> <p>1 It is labeled Exhibit 13, Bates labeled</p> <p>2 CUYAH_015836225, and it's an email from Dale Miller</p> <p>3 to Trevor McAleer dated November 13, 2015, Subject</p> <p>4 line Text about HHS poll questions.</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. At the bottom -- have you had a chance to</p> <p>8 review it?</p> <p>9 A. I'm reviewing it as you're speaking.</p> <p>10 Q. I'll let you finish.</p> <p>11 A. Okay. I know it.</p> <p>12 Q. Okay. So at the bottom there's an email</p> <p>13 from Council Member Miller to you where he says, "Hi</p> <p>14 Trevor, I just got a text from you saying that you</p> <p>15 emailed me HHS levy questions that Mary Louise sent</p> <p>16 you. Did you just send this text message, or is</p> <p>17 this some cyberspace anomaly from the past?"</p> <p>18 Do you see where it says that?</p> <p>19 A. Yes.</p> <p>20 Q. Was it your practice to send text messages</p> <p>21 to members of Council in connection with your work</p> <p>22 as a legislative budget adviser?</p> <p>23 A. HHS levy is not in connection with my</p> <p>24 work.</p> <p>25 Q. Okay. So is it your practice to send text</p> |



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| <p style="text-align: right;">Page 326</p> <p>1 messages to members of the County Council in<br/>2 connection with your work as a legislative budget<br/>3 adviser, understanding that this was not -- you said<br/>4 this was not?<br/>5 A. And I can talk about this. I have sent<br/>6 text messages to council members.<br/>7 Q. Okay. And what -- do those text messages<br/>8 concern substantive issues that are before the<br/>9 council as opposed to just are you coming to the<br/>10 meeting?<br/>11 A. Most of the texts are the meeting started<br/>12 five minutes ago, are you coming type thing.<br/>13 Q. So the email above that from you to<br/>14 Councilman Miller says, "It's from my<br/>15 ysu2121@aol.com. I sent it to your gmail account.<br/>16 Let me know."<br/>17 A. Yes.<br/>18 Q. Okay. So ysu2121@aol.com, is that your<br/>19 personal email address?<br/>20 A. Yes.<br/>21 Q. And so you were sending HHS levy questions<br/>22 to Mr. Miller's personal email account in November<br/>23 of 2015. Is that --<br/>24 A. Yeah.<br/>25 Q. -- accurate?</p>                                                                                                                                                           | <p style="text-align: right;">Page 328</p> <p>1 Q. Okay.<br/>2 A. It would have never been work-related.<br/>3 Q. Okay. Unrelated to your work, have you<br/>4 ever emailed members of the County Council regarding<br/>5 prescription opioid abuse in Cuyahoga County?<br/>6 A. As you can see here, there was a<br/>7 question -- I don't remember how the question was<br/>8 phrased -- on a polling that was used to gauge<br/>9 interest from the voters about a Health and Human<br/>10 Services levy, either renewal or increase. I don't<br/>11 know under what circumstances this poll was under.<br/>12 Council members, similar to me, some would<br/>13 volunteer to work on the campaign side. It would<br/>14 have been a distribution list of the kind of<br/>15 executive, using that in a different term than our<br/>16 county executive, but kind of an executive group of<br/>17 individuals who volunteered. If Council members<br/>18 volunteered and they were on that executive list<br/>19 that I would have emailed, then yes.<br/>20 But I can't tell you specific if that --<br/>21 if they were on there or not.<br/>22 Q. Okay. So other than this HHS levy<br/>23 question, which appears to have something about<br/>24 heroin-related services, are you aware of any<br/>25 instance in which you've emailed members of the</p> |
| <p style="text-align: right;">Page 327</p> <p>1 A. I would like to clarify HHS levy.<br/>2 Q. First, if you could answer my question,<br/>3 that this says that you sent from your AOL address<br/>4 to Mr. Miller's gmail account HHS levy questions.<br/>5 A. Yes.<br/>6 Q. Okay. Now what would you like to clarify?<br/>7 A. As you can see from the subject, it says<br/>8 HHS poll questions. The levy, HHS levy referenced<br/>9 here is related to the Health and Human Service levy<br/>10 campaigns. As County workers, we are not allowed to<br/>11 work on county time or use county resources to work<br/>12 on -- it's all volunteer.<br/>13 So I can't use my work email to talk about<br/>14 HHS poll questions.<br/>15 Q. Okay.<br/>16 A. So I texted here Councilman Miller. He<br/>17 then wrote to my work email, which you can clearly<br/>18 see here I responded and said it was personal and<br/>19 done on off time.<br/>20 Q. Okay. Have you communicated with members<br/>21 of the County Council using your personal email<br/>22 address regarding issues related to opioid abuse in<br/>23 Cuyahoga County?<br/>24 A. It would have only been related to if I've<br/>25 ever used my personal for campaign HHS levy.</p> | <p style="text-align: right;">Page 329</p> <p>1 County Council regarding opioid abuse in Cuyahoga<br/>2 County?<br/>3 A. I'm not aware at this time of any<br/>4 additional.<br/>5 MR. MOONEY: Okay. Those are all of my<br/>6 questions. My friends on this side of the table may<br/>7 have a couple of you, but I am done. So thank you<br/>8 for your time.<br/>9 MR. RICE: How do you want to do this? Do<br/>10 you want me to sit down and take the mic?<br/>11 MR. MOONEY: I can just swing over, unless<br/>12 you want to just take that microphone and talk.<br/>13 MR. RICE: Does this microphone work?<br/>14 THE VIDEOGRAPHER: You can grab that one.<br/>15 MS. SACKS: How are we on time?<br/>16 THE VIDEOGRAPHER: Do you want to go off<br/>17 the record for a moment?<br/>18 MR. RICE: Sure. Go off the record.<br/>19 THE VIDEOGRAPHER: Off the record, 5:48.<br/>20 (Whereupon, a recess was taken<br/>21 from 5:48 p m. to 5:50 p m.)<br/>22 THE VIDEOGRAPHER: On the record, 5:50.<br/>23 EXAMINATION<br/>24 BY MR. RICE:<br/>25 Q. Mr. McAleer, good afternoon. Just as a</p>                                                                                                                                                                                                                                                            |

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| <p style="text-align: right;">Page 330</p> <p>1 reminder, my name is Justin Rice. I represent<br/> 2 Johnson &amp; Johnson and Janssen Pharmaceuticals in<br/> 3 this case. I just have I think just a handful of<br/> 4 questions for you really quick.<br/> 5 In your position as the legislative budget<br/> 6 adviser for the Cuyahoga County Council and any<br/> 7 other position that you've had with Cuyahoga County,<br/> 8 have you ever had any communications with a<br/> 9 prescription opioid manufacturer?<br/> 10 A. I don't -- not that I'm aware of. I don't<br/> 11 think that's ever happened.<br/> 12 Q. Do you -- as you sit here today, do you<br/> 13 know what companies have made prescription opioids<br/> 14 over the past 20 years?<br/> 15 A. I don't know.<br/> 16 Q. And in the interactions that you've had in<br/> 17 the positions we've discussed today, have you heard<br/> 18 of anyone else having any interactions with a<br/> 19 prescription opioid manufacturer?<br/> 20 MS. SACKS: Objection.<br/> 21 THE WITNESS: I'm not aware. I don't<br/> 22 know.<br/> 23 BY MR. RICE:<br/> 24 Q. And when issues relating to funding for<br/> 25 the County and budgets for the County have arisen,</p> | <p style="text-align: right;">Page 332</p> <p>1 Q. And when you say "their records would stay<br/> 2 with them," what records are you referring to?<br/> 3 A. Their medical records.<br/> 4 Q. Okay. So from some other source?<br/> 5 A. At that time the discussion was around<br/> 6 MetroHealth Hospital System coming into the jail.<br/> 7 We were aware of what they used. I don't have data,<br/> 8 but we were aware that a lot of the inmates also<br/> 9 received care at MetroHealth when they're outside of<br/> 10 the jail system.<br/> 11 So the goal was try to get what they used<br/> 12 into the system, into the jail so that way it would<br/> 13 stick with -- their record would continue with the<br/> 14 inmate.<br/> 15 Q. Sure. So if the inmate received medical<br/> 16 treatment while in jail, the medical care provider<br/> 17 could refer to their medical records at MetroHealth,<br/> 18 for example?<br/> 19 A. For example. I'm not the expert in that<br/> 20 matter.<br/> 21 Q. Sure. That was the idea?<br/> 22 A. The idea.<br/> 23 Q. So if I understand you correctly, the<br/> 24 effort was being made to create a system where<br/> 25 medical records from MetroHealth, for example, could</p>            |
| <p style="text-align: right;">Page 331</p> <p>1 even in the context of the opioid or heroin<br/> 2 epidemic, are you aware of anyone specifically<br/> 3 pointing to any activities or actions of<br/> 4 manufacturing -- opioid manufacturers during those<br/> 5 discussions?<br/> 6 MS. SACKS: Objection.<br/> 7 THE WITNESS: Not that I can remember at<br/> 8 this time.<br/> 9 BY MR. RICE:<br/> 10 Q. Okay. You may recall earlier in the<br/> 11 deposition, and actually it was quite a while ago,<br/> 12 one of the earliest exhibits referenced your<br/> 13 involvement with medical records for the county<br/> 14 jail.<br/> 15 Do you remember that?<br/> 16 A. I do, yes.<br/> 17 Q. Okay. Can you just tell me briefly a<br/> 18 little bit more about what that project entailed?<br/> 19 A. Yes. That sometime between 2012 and 2013,<br/> 20 I don't remember exact dates, at that point in time<br/> 21 there were not medical records in the county jail<br/> 22 for inmates. And, you know, we were trying to push<br/> 23 to have some type of medical record system so when<br/> 24 inmates were either entered into the jail system or<br/> 25 exit it, their records would stay with them.</p>                 | <p style="text-align: right;">Page 333</p> <p>1 be viewed and then also medical information could be<br/> 2 entered that would stay with that individual?<br/> 3 A. That was the theory behind it.<br/> 4 Q. Okay. And did that actually take place?<br/> 5 A. Yes. Epic I believe is the name of the<br/> 6 program that MetroHealth is using. I would defer to<br/> 7 them, but that's my knowledge of what's happened at<br/> 8 the jail.<br/> 9 Q. Sure. Is it your understanding that<br/> 10 MetroHealth currently administers the medical<br/> 11 records for county jail inmates?<br/> 12 A. I don't know.<br/> 13 Q. And the work that you were doing on that,<br/> 14 did that require special funding? I'm trying to<br/> 15 understand why you were involved.<br/> 16 A. It was because it was part of the<br/> 17 discussion in the Public Safety Committee meeting in<br/> 18 terms of transitioning to MetroHealth of coming and<br/> 19 taking over the medical care.<br/> 20 So that was my role.<br/> 21 Q. Okay. And then was there some sort of<br/> 22 legislative aspect to that as well?<br/> 23 A. There -- the MetroHealth contract would<br/> 24 have required legislative action.<br/> 25 Q. Okay. So there would have been</p> |

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| <p style="text-align: right;">Page 334</p> <p>1 legislation passed to alter the MetroHealth contract<br/>2 to perform these additional services?<br/>3 A. I don't know if it was to alter or to<br/>4 ultimately just approve. I don't know if there was<br/>5 a contract in place and then it was amended,<br/>6 altered, or if it was just part of the original<br/>7 contract. I don't remember the circumstances.<br/>8 Q. Sure. Are you aware of how, prior to the<br/>9 ability to transfer records from MetroHealth<br/>10 electronically into the jail system, how healthcare<br/>11 providers at the jail were able to have access to an<br/>12 inmate's medical history?<br/>13 A. I don't know.<br/>14 Q. Okay. But your understanding is that now<br/>15 there is an electronic system for medical records of<br/>16 Cuyahoga County jail inmates?<br/>17 A. That's my understanding.<br/>18 MR. RICE: Okay. Okay. I don't have any<br/>19 other questions. Thank you.<br/>20 EXAMINATION<br/>21 BY MS. GATES:<br/>22 Q. Ready?<br/>23 Mr. McAleer, my name is Lisa Gates again,<br/>24 and I represent Walmart.<br/>25 Are you aware that Cuyahoga County has</p> | <p style="text-align: right;">Page 336</p> <p>1 MS. SACKS: Objection.<br/>2 THE WITNESS: I don't know.<br/>3 BY MS. GATES:<br/>4 Q. Can you point to any specific conduct by<br/>5 Walmart, Walgreens, Rite Aid or CVS relating to<br/>6 opioids that caused any monetary losses to the<br/>7 County?<br/>8 A. I don't know.<br/>9 MS. GATES: Thanks. I don't have any<br/>10 other questions.<br/>11 MR. MOONEY: Anyone on the phone?<br/>12 MS. SACKS: Anybody on the phone?<br/>13 MR. PRABUCKI: I have no questions.<br/>14 MS. SACKS: Thank you. I have nothing.<br/>15 MR. MOONEY: All right. Mr. McAleer,<br/>16 thank you so much for your time.<br/>17 Do you guys want to read and sign I<br/>18 assume?<br/>19 MS. SACKS: Yes, whatever we do normally.<br/>20 MR. MOONEY: Okay. Thanks so much for<br/>21 your time, and safe travels back through what is<br/>22 apparently a snowstorm.<br/>23 THE VIDEOGRAPHER: Off the record, 5:59.<br/>24 (Whereupon, the deposition was<br/>25 concluded at 5:59 p m.)</p>                                                                                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 335</p> <p>1 sued my client, Walmart, in this case?<br/>2 A. I'm not aware.<br/>3 Q. Are you aware that the County has sued<br/>4 Walgreens?<br/>5 A. I'm not aware.<br/>6 Q. Rite Aid?<br/>7 A. I'm not aware.<br/>8 Q. CVS?<br/>9 A. I'm not aware.<br/>10 Q. Do you have any knowledge of any facts<br/>11 that would suggest why the County might have decided<br/>12 to sue any of those entities?<br/>13 A. I don't know.<br/>14 Q. Since you don't know that they've been<br/>15 sued, I take it that you don't know about any of the<br/>16 specific allegations against any of those four<br/>17 entities?<br/>18 A. No.<br/>19 Q. And you wouldn't have any knowledge about<br/>20 whether any of the allegations are true?<br/>21 A. I'm not aware.<br/>22 Q. Setting aside what's in the Complaint, can<br/>23 you identify a single instance in which Walmart,<br/>24 Walgreens, Rite Aid or CVS dealt with opioids<br/>25 inappropriately?</p>                                                                                                                                                                                | <p style="text-align: right;">Page 337</p> <p>1 CERTIFICATE<br/>2 The within and foregoing deposition of the<br/>3 witness, TREVOR McALEER, was taken before GREG S.<br/>4 WEILAND, CSR, RMR, CRR, at Suite 1950, 55 Public<br/>5 Square, in the City of Cleveland, Ohio, commencing<br/>6 at 9:06 o'clock a.m., on the 10th day of January,<br/>7 2019.<br/>8 The said witness was first duly sworn and<br/>9 was then examined upon oral interrogatories; the<br/>10 questions and answers were taken down in shorthand<br/>11 by the undersigned, acting as stenographer; and the<br/>12 within and foregoing is a true, accurate and<br/>13 complete record of all the questions asked of and<br/>14 answers made by the aforementioned witness at the<br/>15 time and place hereinabove referred to.<br/>16 The signature of the witness was not<br/>17 waived and the deposition was submitted to the<br/>18 deponent as per copy of the attached letter.<br/>19 The undersigned is not interested in the<br/>20 within case, nor of kin or counsel to any of the<br/>21 parties.<br/>22 Witness my signature on this 15th day of<br/>23 J <br/>24 GREG S. WEILAND, CSR, RMR, CRR<br/>25 License No. 084-003472</p> |

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| <p style="text-align: right;">Page 338</p> <p>1 Veritext Legal Solutions<br/>1100 Superior Ave<br/>2 Suite 1820<br/>3 Cleveland, Ohio 44114<br/>4 Phone: 216-523-1313<br/>5<br/>6 January 15, 2019<br/>7 To: Shayna Sacks<br/>8<br/>9 Case Name: In Re: National Prescription Opiate Litigation v<br/>10 Veritext Reference Number: 3182081<br/>11<br/>12 Witness: Trevor McAleer Deposition Date: 1/10/2019<br/>13<br/>14 Dear Sir/Madam:<br/>15<br/>16 Enclosed please find a deposition transcript Please have the witness<br/>17 review the transcript and note any changes or corrections on the<br/>18 included errata sheet, indicating the page, line number, change, and<br/>19 the reason for the change Have the witness' signature notarized and<br/>20 forward the completed page(s) back to us at the Production address<br/>21 shown<br/>22 above, or email to production-midwest@veritext.com<br/>23<br/>24 If the errata is not returned within thirty days of your receipt of<br/>25 this letter, the reading and signing will be deemed waived<br/>26<br/>27 Sincerely,<br/>28 Production Department<br/>29<br/>30 NO NOTARY REQUIRED IN CA</p>   | <p style="text-align: right;">Page 340</p> <p>1 DEPOSITION REVIEW<br/>2 CERTIFICATION OF WITNESS<br/>3<br/>4 ASSIGNMENT REFERENCE NO: 3182081<br/>5 CASE NAME: In Re: National Prescription Opiate Litigation v<br/>6 DATE OF DEPOSITION: 1/10/2019<br/>7 WITNESS' NAME: Trevor McAleer<br/>8 In accordance with the Rules of Civil<br/>9 Procedure, I have read the entire transcript of<br/>10 my testimony or it has been read to me<br/>11 I have listed my changes on the attached<br/>12 Errata Sheet, listing page and line numbers as<br/>13 well as the reason(s) for the change(s)<br/>14 I request that these changes be entered<br/>15 as part of the record of my testimony<br/>16<br/>17 I have executed the Errata Sheet, as well<br/>18 as this Certificate, and request and authorize<br/>19 that both be appended to the transcript of my<br/>20 testimony and be incorporated therein<br/>21<br/>22 Date _____ Trevor McAleer<br/>23<br/>24 Sworn to and subscribed before me, a<br/>25 Notary Public in and for the State and County,<br/>the referenced witness did personally appear<br/>and acknowledge that:<br/>They have read the transcript;<br/>They have listed all of their corrections<br/>in the appended Errata Sheet;<br/>They signed the foregoing Sworn<br/>Statement; and<br/>Their execution of this Statement is of<br/>their free act and deed<br/>I have affixed my name and official seal<br/>this _____ day of _____, 20____<br/>_____<br/>Notary Public<br/>_____<br/>Commission Expiration Date</p> |
| <p style="text-align: right;">Page 339</p> <p>1 DEPOSITION REVIEW<br/>2 CERTIFICATION OF WITNESS<br/>3<br/>4 ASSIGNMENT REFERENCE NO: 3182081<br/>5 CASE NAME: In Re: National Prescription Opiate Litigation v<br/>6 DATE OF DEPOSITION: 1/10/2019<br/>7 WITNESS' NAME: Trevor McAleer<br/>8 In accordance with the Rules of Civil<br/>9 Procedure, I have read the entire transcript of<br/>10 my testimony or it has been read to me<br/>11 I have made no changes to the testimony<br/>12 as transcribed by the court reporter<br/>13<br/>14 Date _____ Trevor McAleer<br/>15 Sworn to and subscribed before me, a<br/>16 Notary Public in and for the State and County,<br/>17 the referenced witness did personally appear<br/>18 and acknowledge that:<br/>19 They have read the transcript;<br/>20 They signed the foregoing Sworn<br/>21 Statement; and<br/>22 Their execution of this Statement is of<br/>23 their free act and deed<br/>24<br/>25 I have affixed my name and official seal<br/>26<br/>27 this _____ day of _____, 20____<br/>28<br/>29 _____<br/>30 Notary Public<br/>31<br/>32 _____<br/>33 Commission Expiration Date<br/>34<br/>35</p> | <p style="text-align: right;">Page 341</p> <p>1 ERRATA SHEET<br/>2 VERITEXT LEGAL SOLUTIONS MIDWEST<br/>3 ASSIGNMENT NO: 1/10/2019<br/>4 PAGE/LINE(S) / CHANGE /REASON<br/>5 _____<br/>6 _____<br/>7 _____<br/>8 _____<br/>9 _____<br/>10 _____<br/>11 _____<br/>12 _____<br/>13 _____<br/>14 _____<br/>15 _____<br/>16 _____<br/>17 _____<br/>18 _____<br/>19 _____<br/>20 _____<br/>21 Date _____ Trevor McAleer<br/>22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____<br/>23 DAY OF _____, 20____.<br/>24<br/>25 _____<br/>Notary Public<br/>_____<br/>Commission Expiration Date</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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[apply - assisting]

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[assume - behavioral]

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[belief - brown]

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[director - dollars]

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[dollars - emails]

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[emails - excuse]

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[executed - family]

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[personally - preparation]

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[process - public]

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[publicly - reasons]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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